

ENGLAND'S CASE

AGAINST

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PREFACE TO THE SECOND EDITION.

THE rapid exhaustion of the first edition of this book is, it may be hoped, a proof that the discussion of the objections to Home Rule from a legal, and from an English point of view, is not without interest for the general public. The appearance of a second edition affords at any rate the appropriate occasion for correcting such errors as may be due to haste or oversight. Of this opportunity I have, to the best of my ability, availed myself. One of the mistakes which are now corrected ought not to pass without special notice. At p. 190 of my first edition I mistakenly attributed to Canon MacColl expressions which I find he has never employed, as to the relation between the Gladstonian constitution and the existing colonial system. For this error, arising from an oversight, I feel the most sincere regret.

My readers may notice frequent references throughout this work to my treatise on 'The Law of the Constitution.' I have ventured to refer to the book, although it is my

own, for two reasons. The principles laid down in it form the basis of many of the arguments contained in the statement of the constitutional case against Home Rule; these principles seem to me most fairly stated in language used before the appearance of the Government of Ireland Bill, and employed without reference to any political controversy.

A. V. D.

DECEMBER, 1886.

PREFACE.

AN author who publishes a book having any reference to Irish affairs may, not unnaturally, be supposed either to possess some special knowledge of Ireland, or else to be the advocate of some new specific for the cure of Irish discontent. Of neither of these suppositions can I claim the benefit. My knowledge of Ireland is merely the knowledge—perhaps it were better to say the ignorance—of an educated Englishman. It is derived from conversation with better informed friends, from careful attention to the discussions on Irish policy which for the last eighteen years have engrossed public attention, and from books accessible to ordinary readers. If I can claim no special acquaintance with Ireland, still less have I the presumption or the folly to come forward as the inventor of any political nostrum. My justification for publishing my thoughts on Home Rule is that the movement in favour of the Parliamentary independence of Ireland constitutes, whether its advocates recognise the fact or not, a demand for fundamental alterations in the whole Constitution of the United Kingdom; and while I may without presumption consider myself moderately acquainted with the principles of

Constitutional law, I entertain the firmest conviction that any scheme for Home Rule in Ireland involves dangerous if not fatal innovations on the Constitution of Great Britain.

To set forth the reasons for this opinion is the object of this work. The opinion itself, whatever its worth, is not the growth of recent controversy; it has been entertained for years, and has been expressed by me in various publications. This book is much more than a reprint; its contents are, however, in part made up of articles which have already been published. My thanks are due to the owners of the *Contemporary Review* and of the New York *Nation* for their permission to make free use of my contributions to the pages of their periodicals; it is a pleasure to acknowledge the exceptional liberality with which my friend, Mr. E. L. Godkin, has allowed me to publish on my own responsibility in the columns of the *Nation*, opinions of which he is himself the strenuous and most able opponent.

Nor are my acknowledgments due only to the living. Gustave de Beaumont's '*l'Irlande sociale et politique*' was placed in my hands by a friend after the plan of my argument was complete, and the writing of this book was in fact begun. From De Beaumont I learnt more than from any other writer on the subject of Ireland with whose works I am acquainted, and I found to my great satisfaction that his speculations curiously confirmed the objections I was prepared to urge against the policy of

Home Rule. It is a duty to insist upon the debt I owe to De Beaumont, because at the present moment no greater service can be rendered to Englishmen and to Irishmen alike than to press upon them the study of an author whose writings are far better known on the Continent than in England, and whose thoughts, though they may seem a little out of date, are full not only of profound wisdom but of practical guidance.

A. V. DICEY.

OCTOBER, 1886.

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ENGLAND'S CASE AGAINST HOME RULE.

CHAPTER I.

NATURE OF THE ARGUMENT.

My aim is to criticise from a purely English point of view the policy of Home Rule, or the proposal to create a more or less independent Parliament in Ireland; and as a result of such criticism to establish the truth, and develop the consequences, of this proposition—namely, that any system of Home Rule, whatever be the form it takes, is less beneficial to Great Britain, or (to use popular language) to England, than is the maintenance of the Union, and is at least as much opposed to the vital interests of England as would be the national independence of Ireland.

Aim and
line of
argument.

The train of reasoning by which it is sought to establish this principle, and the consequences which the principle involves, consists of the following steps: first, an examination into the causes which give strength to the

Home Rule movement in England, and the nature of the arguments in its support used by English Home Rulers; secondly, a statement of the advantages and disadvantages, from an English point of view, on the one hand, of maintaining the Union, and on the other, of separation from Ireland; thirdly, a criticism of each of the principal forms * under which Home Rule has been actually presented to the attention of the public, the aim of such criticism being in each case to determine how far the particular form of Home Rule can compete as regards the interests of England with the alternative policies of Unionism and of Irish independence; and, fourthly, a summary of the conclusions arrived at by this survey of the policy of Home Rule. My endeavour will be to make this survey without any appeal to prejudice, passion, or sentiment, and with the calmness and fairness which a scientific constitutionalist should display in weighing the merits of any other proposed alteration in our form of government, such for example as the introduction of life peers into the House of Lords, or in estimating the value of some foreign constitutional invention, such, for example, as the Swiss Referendum or the Dual system which links

* These are—

- i. Home Rule as Federalism.
- ii. Home Rule as Colonial Independence.
- iii. Home Rule as the Restoration of Grattan's Constitution.
- iv. Home Rule under the Government of Ireland Bill, or, to use a convenient name, under the Gladstonian constitution. Chap. vii.

together Hungary and the Austrian Empire. No citizen of the United Kingdom indeed can pretend to be an impartial critic of a policy which divides the whole nation into opposing parties. But during a period of revolutionary excitement, it is well to remember, that any legislative innovation, however keen the feelings of partisanship which it may arouse, is always in itself capable of being looked at from a logical or abstract point of view, and ought to be so looked at by jurists. To one class indeed among the advocates of Home Rule, the fundamental principle contended for in these pages will appear irrelevant to the points at issue between such Home Rulers and their opponents. Nationalists, who still occupy the position held in 1848 by Sir Gavan Duffy and his friends, and who either openly contend for the right of Ireland to be an independent nation, or accept Home Rule (as they may with perfect fairness) simply as a step towards the independence of their country, are naturally and rightly unaffected by reasoning which shows, however conclusively, that Home Rule may be as injurious to England as a complete severance of the political connection between England and Ireland. A Nationalist may say with justice that he is no more bound to consider whether England will or will not be damaged by Ireland's becoming a nation, than an Italian patriot was bound, in 1859, to show that Austria would not suffer by being deprived of Lombardy or of Venetia; he accepts Home Rule on the maxim that half a loaf is better than no bread, but a

starving man is not required to refuse the offer of food because the donor cannot make the gift without getting into debt; nor does the acceptance of half a loaf afford the least presumption that the recipient would not prefer a whole loaf if he could get it. Some indeed of the considerations which tell in the eyes of an Englishman against Home Rule may indirectly lead an Irish Nationalist to the belief that the boon of legislative independence, if granted to Ireland, would prove the present of a stone in reply to a prayer for bread. But should a Nationalist be convinced that no form of Home Rule would benefit Ireland, he would cling all the more firmly to the faith that her salvation depends upon her taking her place among independent states. To Nationalists, therefore, even though at present they may be fighting the cause of Irish nationality behind the visor of Home Rule, these pages are not addressed. The position they occupy is one of which no man has any cause to feel ashamed. The opinion that, considering the misery which has marked the connection between England and Ireland, the happiest thing for the weaker country would be complete separation from the United Kingdom, is one which in common with most Englishmen, and, it may be added, in common with the wisest foreign observers, I do not share; but fairness requires the admission that it is an opinion which a man may hold and may act upon, without incurring the charge either of folly or of wickedness. To Nationalists, however, these pages, as I have said, are not addressed. The

persons for whom they are intended are either Home Rulers, in Great Britain or in Ireland, who *bonâ fide* advocate the policy of Home Rule for its own sake, as a policy good and wise in itself; or else Unionists, who firmly believe that the whole State will suffer by any attempt to tear up the Treaty of Union, but yet are unable to give for the faith that is in them as strong grounds of reason as they would desire. To such persons the importance of the principle (if true) which is contended for throughout these pages must appear undeniable; it strikes at the root of more than one half of the arguments by which Home Rulers from the time of Mr. Butt to the days of Mr. Parnell have attempted, fairly enough, and latterly with great success, to win over English opinion to their cause, and it undermines the whole position occupied by Mr. Gladstone and his English followers. They assume, with undeniable truth, that the English people will not at the present moment, except under compulsion, acquiesce in Irish independence; they further assume, and must from the nature of the case assume, that Home Rule under one shape or another presents a fair prospect at least of advantages not derivable from the maintenance of the Union, and is at the very worst so much less injurious to British interests than would be separation from Ireland, as to offer to England a reasonable compromise between the just claims of Englishmen to secure the prosperity of Great Britain and the greatness of the British Empire, and the legitimate desire of Irish-

men for national independence. If the proposition which it is my object to maintain turn out to be sound, all these assumptions fall to the ground, together with a host of fallacies for which these assumptions form the necessary basis. The principle, in short, which it is my object to enforce—that Home Rule in Ireland is more dangerous to England than Irish independence—lies at the bottom of all the rational opposition made by Unionists to the creation of an Irish Parliament, and, together with the arguments by which the principle is maintained, and the conclusions to which it leads, forms the true and just and reasonable case of England against Home Rule.

The whole spirit and method of my argument is open to at least three plausible objections, which deserve examination, both because if left unnoticed they are certain to occur to and perplex any intelligent reader, and because their removal brings into relief the strength of my line of reasoning.

Possible
objections
to method.

First objection.—To deal with a burning controversy in the abstract and logical manner suitable to the discussion of the problems of jurisprudence savours, it may be objected, of theoretic, academic, or pedantic disquisition more fit for a University class-room than for the living world of contemporary politics.

The force of this criticism does not admit of denial. My method of treating the question of Home Rule is

necessarily lifeless when compared with the vehement rhetoric or heated eloquence which characterises public or parliamentary discussion; it is also true that the argumentative treatment of matters affecting actual life always bears about it a certain air of unreality.

If, however, systematic argument lacks the animation of political discussion or dispute, it possesses its own counterbalancing merits, and the mode of treating Home Rule purposely adopted in these pages has, it is conceived, two not inconsiderable advantages. The first of these advantages is that it diverts the mind from a crowd of personal, temporary, and in themselves trivial considerations, which, though they possess not only an apparent but also a real significance, are at bottom irrelevant to the final decision of the true points at issue. Whether, for example, Mr. Gladstone ought to have proclaimed himself a Home Ruler before the elections of 1885; whether Lord Salisbury's reference, or alleged reference, to twenty years of coercion was or was not judicious, and did or did not receive a fair interpretation from his opponents; whether Lord Carnarvon misled Mr. Parnell, or whether the Irish leader was a dupe to his own astuteness; whether Mr. Chamberlain ought to have joined the late Ministry, or, having gone into the Cabinet, ought never to have left it; what have been the motives consciously or unconsciously affecting Mr. Gladstone's course of action—these and a hundred other enquiries of the like sort, which engage the attention and distract the

judgment of the public, possess, in the eyes of any serious thinker occupied in estimating the strength of the arguments for and against Home Rule, no material importance whatever. His concern is the merit or demerit of a legislative enactment. He is not concerned at all with the conduct or the character of legislators. Mr. Gladstone's motives may be the highest which can be ascribed to the Premier by the voice of admiring friendship, or the basest which can be imputed to him by the unfairness of political rancour. In any case they are irrelevant to the matter in hand. An unwise measure will not become a beneficial law because its author is a saint or a patriot; a statesmanlike law will not turn out a curse to the country because its defender is an intriguer or a traitor. We all see that this is so if we carry our view back to the controversies of the last generation; the personalities of fifty or sixty years ago are reduced before our eyes into their real pettiness. The first Reform Bill still retains its importance as a measure which for good or for bad revolutionised the constitution; its beneficial or pernicious effects are still traceable in the England of to-day; but its evils are not lessened by the acknowledged virtues of Lord Althorpe, nor are its good effects marred by the ambition of Brougham or the violence of O'Connell. It is no slight recommendation of any mode of reasoning, if it suggests to us the prudence of judging the policy of 1886, in the spirit and by the standards which every man of sense applies to the policy of 1832. Academic dis-

quisition has its faults, but ought to produce academic calmness ; a class-room is, after all, a better place for quiet reflection than the House of Commons or the hustings.

The second of the advantages which marks the proposed mode of argument is that a line of thought which fixes a reader's attention all but exclusively upon the probable effects of Home Rule is a preservative against the errors which arise from introducing into a dispute, bitter enough in itself, all the poisonous venom of historical recrimination, and all the delusions which are the offspring of the misleading tendency to personify nations. The massacres of 1641, the sack of Drogheda, the violated treaty of Limerick, the follies strangely mingled with the patriotism of Grattan's Parliament, the outrages which discredited the rebellion of 1798, and the cruelties which disgraced its suppression, the corruption which carried the Union, and the broken pledges which turned political union into a source of fresh sectarian discord—the calamities, the mistakes and the crimes which mark each scene in the tragedy of Irish history—afford to Protestants and to Catholics alike, an exhaustless mine of recriminatory invective. But to evoke the spectres of past ages is not the way to assuage the animosities of the present day. The crimes of bygone generations are subjects for curious investigation, but the determination of historical problems, even when conducted in the spirit of the calmest enquiry, never removes the difficulties of practical statesmanship. Apologies, at any rate, or diatribes pro-

duced by the necessity for palliating or for denouncing the misdeeds of other times, only add a new element of confusion to the turmoil of political warfare. Whether the insurgents of 1641 massacred every Protestant on whom they could lay their hands, or bear only an indirect responsibility for the death of eight or nine thousand men and women ruthlessly expelled from the lands, of which, in Irish eyes, they were wrongful occupiers, is a question to be settled by Mr. Froude, Mr. Lecky, and Mr. Gardiner; but the barbarities of insurgent Catholics, and the retaliatory severity of Protestant victors, which mark the fury of an internecine conflict removed from us by the lapse of more than two centuries, have little to do with the practical question whether it be expedient, at the present day, that the local affairs of Ulster should be dealt with by a Parliament sitting at Dublin, or whether members from Ireland should have seats at Westminster. Recrimination, while it adds nothing to knowledge, disturbs the judgment of statesmen and of electors; but not even the reckless resuscitation of bitter memories, which ought to be forgotten, adds so much to the confusion of the day, as does the habit fostered by the illusions of language, and by the falsely applied historical method, of speaking and thinking of England and Ireland as though they were two human beings, who, on closing a life-long quarrel, might be expected to entertain towards one another those sentiments of regret, generosity, or gratitude which are proper to men and women, but can only by the

boldest of fictions be supposed to enter into the relations between classes or nations. To this delusion of personification is due the notion that Englishmen of to-day ought to make compensation and feel personal shame for the cruelties of Cromwell, or for Pitt's corruption of Irish patriots; that we are in some way liable and should feel compunction for crimes committed by (possibly) the ancestors of the very men to whom we are now supposed to owe reparation. To the same cause is to be attributed the absurd demand that the Irish Catholics should put on sackcloth and ashes for the massacres of 1641. To this cause is due the ridiculous claim that living Irishmen should be grateful for the well-meant though most unsuccessful efforts made by the Parliament of the United Kingdom to govern one-third of the United Kingdom on sound principles of justice. A Sovereign's plainest duty is to rule his subjects for their good according to the best of his power and of his knowledge, and the mere discharge of duty does not entitle a ruler to gratitude from the persons who are benefited by his justice. A Parliamentary Sovereign, being the representative and agent of its (so-called) subjects, is *à fortiori*—if there can be degrees in such matters—bound to govern for the benefit of the people whom the Sovereign represents and ought to serve; and there is something strictly preposterous in the idea that Irish electors, who in common with the rest of the United Kingdom send representatives to Westminster, should glow with gratitude when the Parliament of the United Kingdom so

far performs its duty as to enact laws from which Ireland derives benefit. No one suggests that Englishmen or Scotchmen should feel grateful either to Parliament or to their Irish fellow-citizens for the maintenance of good government throughout England and Scotland. And it would puzzle the wit of man to show, why one-third of the United Kingdom should be expected to entertain feelings never demanded from the other two-thirds thereof.

Second objection.—The habitual reference made throughout these pages to national interest as the test or standard of national policy has (it may be suggested) a touch of sordidness and selfishness, and implies that statesmanship has nothing to do with morality.

This impression may, it is possible, be conveyed to a careless reader by the form in which the case against Home Rule is stated; but no suggestion can in reality be more ill-founded. It will be seen to be unfounded by any one who notes for a moment the meaning of the term "interest" as applied to matters of national policy. The interest or the welfare of a nation comprises many things which have nothing to do with trade or with wealth, and the value of which does not admit of being measured in money. The interest, welfare, or prosperity of England includes the maintenance of her honour, the performance of all her obligations, and, above all, the strict discharge of every engagement which she has

undertaken towards countries or to individuals. The protection, for example, of law-abiding citizens in the enjoyment of rights secured to them by law, the maintenance of peace throughout the length and breadth of the Empire, the suppression of lawlessness, the strict performance of every promise which the State has made to every man or body of men (whether poor or rich, whether belonging to the class of labourers, of farmers, or even of landlords)—the rendering, in short, to every man of his due—are things, which, without any improper extension of the term interest, fall under the head of national interests. Utilitarianism, in truth, being a body of principles applicable primarily to legislation and only secondarily to ethics, its doctrines hold true far more obviously in the field of politics than in the field of morals. On any wide view of large public questions expediency will be found to be only another name for justice. It can be neither the interest nor the duty of any nation to legislate in a way which produces more of suffering than of happiness. A policy opposed to the interests or the welfare of the United Kingdom as a whole, even though it may appear for a moment to favour some particular portion of the State, is, we may be well assured, a policy opposed not only to wisdom, but to justice.

Third objection.—To look at Home Rule mainly from an English point of view, to criticise it because of its bearing on the interests or welfare of England, is, it may perhaps be thought, to treat the whole

3. Exclusively English point of view.

matter from the wrong side, and to betray an indifference to the welfare of Ireland. Home Rule, the objector may say, is a scheme for the government of Ireland. It therefore concerns the people of Ireland alone, it should be subjected to examination from an Irish, not from an English point of view, and to consider it in any other light is to exhibit in a new form that callous disregard by England of Ireland's claims which has prevented the two countries from blending into one community.

It is of primary importance that this objection should be stated with all the force which can be given to it, for were it valid it would assuredly be, in the judgment of all just persons, fatal to the line of reasoning which my readers are invited to pursue. The objection is, however, so far from being valid as to present my whole method of reasoning in a false light. A main reason why an Englishman does well to look at Home Rule from an English point of view is, that this mode of dealing with the adjustment of the possibly opposed interests of England and Ireland is (paradoxical though the assertion may sound) both the least irritating and in itself the fairest method of meeting the demands of Irish Home Rulers; though—and this is the one certainly good result which has arisen from the changed attitude towards Home Rule of Mr. Gladstone and his followers—these demands may now happily be dealt with as claims put forward not specially by Irishmen, but by a political party which includes large numbers of Scotchmen and Englishmen. The assertion, however, that

to look at Home Rule from an English point of view is the way to minimise irritation, and to deal fairly with a topic specially requiring fair treatment, requires some explanation.

Experience of the world tells every man that in complicated affairs of private life, involving questions, say, both of money and of sentiment, nothing so surely prevents quarrels as to separate in the clearest manner possible matters of business from matters of feeling. In determining a dispute between *A.* and *B.*, a great step is gained when a friend induces each of the parties first to state clearly his exact legal rights and his exact pecuniary interest, and only when these facts are made clear to consider what are the concessions fairly to be demanded from him as a matter, not of right, but of liberality. Nothing, again, is plainer in the conduct of controversies between man and man, than that if *A.* intends to exact his full legal rights from *B.*, the most irritating defence of *A.*'s conduct is his pretence of acting solely with a view to *B.*'s own good; and that, on the other hand, no manner of enforcing *A.*'s claims against *B.* causes so little unnecessary vexation to *B.* as for *A.* to say openly that he demands his rights because they are his rights, and because to demand them is his interest. Here, if nowhere else, the rules which apply to private disputes apply also to political controversies. If millions of Englishmen refuse a request made by millions of Irishmen, by far the least irritating form of refusal is open

avowal that the reason for denying a separate Parliament to Ireland is the irreparable injury which Home Rule will work both to Great Britain and to the British Empire. This assertion has the merit, which even in politics is not small, of truth. If the Parliamentary independence of Ireland threatened as little damage to England as the Parliamentary independence of Victoria, an Irish legislature would meet in Dublin before the end of the year. Englishmen, it is true, do not believe that Ireland would in the long run gain by the possession of legislative independence. It is not, however, the doubt as to the reality of the blessing to be conferred on Ireland, but the certainty as to the injury to be done to England, which causes their opposition to Home Rule. To base this opposition upon the probable inconsistency between a Home Rule policy and the true interests of Ireland, involves the assumption that Englishmen are better judges of what makes for the true interest of Ireland than are the majority of Irishmen. The soundness of this assumption must seem to any man, who either recalls the most obvious facts of Irish history, or notes the depth of ignorance as to all things Irish which prevails even among our educated classes, to be open to reasonable question. What is not questionable is that the assertion, in whatever form it be made, that three millions of Irishmen do not understand what is good for themselves must arouse in their hearts deep and natural anger. If indeed the claim of Great Britain to look in this matter of Home Rule solely to the

effect of Home Rule on British interests, were equivalent to the assertion that because England is strong she ought wherever her own interests are at stake to reck nothing of justice, such cynical scorn for all considerations except the possession of superior power would kindle just resentment in the soul of every man, whether in Ireland or in England, who believes that national morality is more than a mere phrase, though even in this case the open cynicism might excite less disgust than cynicism veiling itself under the mask of benevolence. Happily, however, there is in the present instance no opposition between truth and justice. Home Rule is no doubt primarily a scheme for the government of Ireland, but it is also much more than this : it is a plan for revolutionising the constitution of the whole United Kingdom. There is no unfairness, therefore, in insisting that the proposed change must not take place if it be adverse to the interests of Great Britain. This is merely to assert that the welfare of thirty millions of citizens must, if a conflict of interest arise, be preferred to the interest of five millions of citizens. Home Rulers, it must again and again be repeated, demand not the national independence of Ireland, but the maintenance of the connection between England and Ireland on terms different from the conditions contained in the Act of Union. To keep one's mind clear on this point is of importance, because the result follows that, as already intimated, a whole series of arguments or claims which may fairly be put forward by a Nationalist are not

available to a Home Ruler. A Nationalist, for example, may urge that the will of the Irish people to be independent is decisive of their moral right to independence, and that the perils which a free Ireland may bring upon England need not in any way concern him or his country. Whether indeed the principle of "nationality," or the contention that any portion of a State which deems itself conscious of distinct national sentiment may, as a matter of absolute right, claim to become a separate nation, can be maintained, is an enquiry not so easily answered in the affirmative as is often assumed by modern democrats. What, however, is here insisted upon is not that the principle of nationality is unsound, but that this principle does not cover the demand for Home Rule. A Home Ruler asks not for the political separation, but for the political partnership of England and Ireland. He wishes not that the firm should be dissolved, but that the Articles of Association should be revised. There is not then the least unfairness in the answer that no modification can be allowed which in the judgment of his associates is fatal to the prosperity of the concern. To crowds excited by pictures of past greatness or of past struggles, by the hope of future prosperity to be brought about by miracles wrought by substituting the rule of love for the rule of law, there may appear to be something prosaic, not to say repulsive, in the comparison of the relation between Great Britain and Ireland to the relation between shareholders in a trading company. But at a period when a fundamental

change in the constitution is advocated on grounds of faith, benevolence, or generosity, a good deal is gained by bringing into relief the business aspect of constitutional reforms. It can never be amiss to be reminded that, in the words of one of the most thoughtful among the advocates of Home Rule, "Government is a very practical business, and that those succeed best in it who bring least of sentiment or enthusiasm to the conduct of their affairs." It is at moments of revolutionary fervour, when men measure proposed policies rather by their wishes than by their experience, that every citizen needs to have impressed upon his mind that government and legislation are matters of reason and judgment, and not of inclination. Nor let any one imagine that the expression of the belief constantly avowed or implied throughout these pages, that Home Rule would be as great an evil to England as Irish independence, shows a reckless and most unbusinesslike indifference to the perils and losses of separation. My conviction is unalterable that separation would be to England, as also to Ireland, a gigantic evil. This position is fully compatible with the belief that there are other evils as great, or greater. If a man says that he prefers the loss of his right hand to the loss of his life, he cannot reasonably be charged with making light of amputation. It is however perfectly true that the line of argument pursued in this work must, if it be sound, drive those to whom it is addressed to a choice between the maintenance of the Union and the concession to Ireland of national independence.

CHAPTER II.

MEANING OF HOME RULE.

"HOME Rule" is a term which, like all current and popular phrases, is, though intelligible, wanting in precision. Hence it is well, before we investigate the different forms which schemes of Home Rule may assume, to fix in our minds precisely what Home Rule does mean and what it does not mean.

"Home Rule"—or, to speak more accurately, the policy
What of Home Rule—means, if we may use language
Home with which we are all familiar in relation to
Rule the Colonies, the endowment of Ireland with
means. representative institutions and responsible government.

It means, therefore, the creation of an Irish Parliament which shall have legislative authority in matters of Irish concern, and of an Irish executive responsible (in general) for its acts to the Irish Parliament or the Irish people. Hence every scheme of Home Rule which merits that name is marked by three features—*first*, the creation of an Irish Parliament; *secondly*, the right of the Irish

Parliament to legislate within its own sphere (however that sphere may be defined) with habitual freedom from the control of the Imperial or British Parliament; and *thirdly*, the habitual responsibility of the Irish executive for its acts to the Irish people or to their representatives.

These three characteristics, which I do not attempt to define with anything like logical precision, constitute the essence of Home Rule. Other things, however important in themselves, are matters of subordinate detail, and open to discussion or compromise. The limitations to the sphere within which the Irish Parliament is to exert independent authority, the definition of the term "Irish concerns," the constitution of the Irish Parliament, the nature and appointment of the Irish executive (which, though it is no doubt generally assumed to be a Cabinet chosen in effect like the Victorian Ministry, by the local Parliament, might well, and indeed far better, be a President or Council elected, like the Governor of New York, by popular vote), the occasions on which the British Parliament should retain the legal or moral right of legislation for Ireland—these and a score of other subjects which at once suggest themselves to a critic of constitutions are of supreme importance, but in whatever way they may be determined, they do not touch the principle of Home Rule. A scheme, on the other hand, however wise its provisions, which lacked the essential characteristics already enumerated, would not meet the demand for Home Rule; an Act which did not constitute a Parliament for

Ireland could not possibly satisfy the sentiment of Irish nationality; an Irish Parliament which did not habitually, at any rate, legislate with independence of the Parliament at Westminster could not divest the law in Ireland of its "foreign garb"; an executive not responsible directly or indirectly to the Irish people could not give full effect to the legislation of an Irish Parliament, and the existence of such an executive would (if the true ground why law is hated in Ireland be its alien character) only divert popular hostility from the law to the government.

What Home Rule does not mean.	Home Rule does not mean Local Self-Government; Home Rule does not mean National Independence.
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Local Self-Government means the delegation by the Sovereign, and in England therefore by Parliament, to local bodies, say town councils, county boards, vestries, and the like, of strictly subordinate powers of legislation for definite localities. The authority possessed by such local bodies extends over definite and limited areas (which themselves are often created by legislation); exists for definite purposes; is directly conferred or tolerated by Parliament; has no capacity of indefinite extension; and neither comes into competition with nor restrains, either legally or morally, the legislative authority of Parliament. Logically, indeed, there may be difficulty in drawing the precise line of demarcation between a plan for conferring on Ireland the minimum of legislative independence

which could without absurdity be dignified with the name of Home Rule, and a plan for giving to the boroughs and counties of Ireland the maximum of law-making power which could, without fraud upon the intelligence of the English people, be comprehended within the elastic phrase "extension of Local Self-Government." But this logical puzzle need give us no trouble; it is based on the fact that every non-sovereign law-making body, whether it be the French National Assembly, the American Congress, or the London, Chatham and Dover Railway Co., belongs to one and the same genus.* The casuists of jurisprudence may quibble for ever over the confines between Home Rule and Local Self-Government; men of sense engaged in the consideration of affairs thrust aside such inopportune logomachy, and content themselves with the knowledge that were the Town Council, say, of Birmingham or of Belfast endowed with tenfold its present powers, it would differ essentially from any Irish Parliament which, even though denied the Parliamentary title, should represent the people of Ireland, and should have received the very smallest amount of authority which could by any possibility satisfy Mr. Parnell. Nor are differences which may not admit of easy definition difficult for a candid enquirer to discern. A town council, whatever its powers, does not represent a nation, and derives no prestige from the principle of nationality; the feeblest legislative assembly meeting at Dublin would rightly

* See Dicey, *Law of the Constitution* (2nd ed.), p. 80.

claim to speak for the Irish people. A town council, whether of Birmingham or of Belfast, springs from and is kept alive by the will of Parliament, and cannot pretend that its powers, however extensive, compete with the authority of its creator. Should a town council use even its strictly legal rights in a way not conducive to the public interest, Parliament would without scruple override the bye-laws of the council by the force of Parliamentary enactment. The authority of an Irish representative assembly would from the necessity of things be, if not a legal, at any rate a moral check, I will not say on Parliamentary sovereignty, but assuredly on Parliamentary legislation. Extended rights of self-government, though given to every local body in Ireland, would not affect the relation between the people of Ireland and the Parliament at Westminster. The very aim of Home Rule, even under its least pretentious form, is to introduce a new relation between the people of Ireland and the Parliament at Westminster. The matter may be summed up in one phrase: Local Self-Government however extended means the delegation, Home Rule however curtailed means the surrender, of Parliamentary authority.

The distinction here insisted upon is of practical importance, for it is connected with a question so pressing as to excuse an apparent, though not more than an apparent, digression.

Local Self-
Govern-
ment.

English Radicals, and many politicians who are not Radicals, hold, whether rightly or not, that the sphere of Local Self-Government may with benefit to the nation be greatly extended in England. The soundness of this view in no way concerns us, and it is a matter upon which there is no reason, for our present purpose, to form or express an opinion; they also hope that by a similar extension of Local Self-Government to Ireland they may satisfy the demand for Home Rule. They conceive, in short, that it is possible to confer a substantial benefit upon the Irish people, and to close a dangerous agitation, by giving to Belfast and to Cork the same municipal privileges which they wish to extend to Birmingham or to Liverpool. The reasons for this belief are threefold: that Local Self-Government is itself a benefit; that Ireland ought, as of right, to have the same institutions as England; that Local or Municipal Self-Government will meet the real if not the nominal wish of the Irish people. This hope I believe to be delusive. The reasons on which it is grounded are—one of them probably, and two of them certainly—unsound.

Local Self-Government is one of those arrangements which, like most political institutions, cannot be called absolutely good or bad. It is a good thing, I suppose, at Birmingham, and was some fifty years ago a good thing in Massachusetts, and it may prove (though this is speculation) a good thing in an English county. Local Self-Government is not admirable at New York; it works less well than it once did in New England; it does not pro-

duce very happy effects in London parishes ; we may well doubt whether it be really suited for modern France. Local Self-Government where it flourishes is quite as much a result as a cause of a happy social condition ; the eulogies bestowed upon it contain a curious mixture of truth and falsehood. What is true is, that where self-government flourishes, society is in a sound state ; what is false is, that Local Self-Government produces a sound state of society. The primary condition necessary for the success of self-government is harmony between different classes. The rich must be the guides of the poor, the poor must put trust in the rich. Men who are placed above corruption must interest themselves in the laborious but important details of local administration ; men who might be corrupted themselves, must desire to place power in the hands of leaders who are as a class incorruptible. High public spirit, a detestation of jobbery, trust and goodwill between rich and poor, are the feelings which make good local or municipal government possible. There are certain parts of England, there are larger parts of the United States, where these admirable and rare conditions exist. Do they exist in Ireland ? I need not answer the question, for if they existed our difficulties in Ireland would be at an end. If, indeed, there were a genuine desire for Local Self-Government, expressed by Irishmen themselves, every sensible man would at once surrender *à priori* theories in favour of the conclusions drawn by practical experience. But no such wish has been expressed, and until it is expressed, a

thoughtful observer may fairly believe that Local Self-Government will not flourish in a country where are presented none of the conditions on which its prosperity depends, and he may conjecture that in Ireland, as in France, an honest centralised administration of impartial officials, and not Local Self-Government, would best meet the real wants of the people.*

* De Beaumont's opinions on this point are perfectly clear: they represent the judgment of an extremely able thinker, who approaches the problems presented by Irish society with an impartiality which from the nature of things is unattainable by any Englishman or Irishman. His utterances will moreover command the more respect from the consideration that De Beaumont, belonging as he did to the school of his intimate friend De Tocqueville, was inclined rather to overrate than to underrate the virtues of self-government; whilst as a Frenchman he possessed a knowledge which cannot fall to any Englishman of the benefits conferred upon the people by a good administration of the French type. The following extracts from a chapter too long for complete citation, which is written to show that Ireland needs a centralised government, deserve the most careful attention. The whole chapter, and indeed the whole work to which it belongs, ought at the present moment to be familiar to every English Liberal:—

“Pour détruire le pouvoir politique de l'aristocratie, il faudrait lui ôter l'application quotidienne des lois, comme on l'a privée précédemment du pouvoir de les faire. Il faudrait, par conséquent, modifier profondément le système administratif et judiciaire qui repose sur l'institution des juges de paix et sur l'organisation des grands jurys, tels qu'ils sont constitués aujourd'hui. Et d'abord, pour exécuter cette réforme, il faudrait centraliser le pouvoir.

* * * * *

“Fius on considère l'état de l'Irlande, et plus il semble qu'à tout prendre un gouvernement central fortement constitué serait, du moins pour quelque temps, le meilleur que puisse avoir ce pays. Une aristocratie existe, qu'on veut réformer. Mais à qui remettre le pouvoir qu'on va retirer de ses mains? Aux classes moyennes?—Elles ne font

The notion that Ireland or any one part of the United Kingdom ought, or has a claim, to have the same institu-

que de naître en Irlande. L'avenir leur appartient; mais ne compromettront-elles pas cet avenir, si la charge de mener la société est confiée dès aujourd'hui à leurs mains inhabiles et à leurs ardentes passions?

"Telle est aujourd'hui en Irlande la situation des partis, que l'on ne peut obtenir quelque justice des pouvoirs politiques, si on les laisse à l'aristocratie protestante, et que l'on ne saurait guère en espérer davantage, si on les donne aussitôt à la classe moyenne catholique qui s'élève.

"Ce qu'il faudrait à l'Irlande, ce serait une administration supérieure aux partis, à l'ombre de laquelle les classes moyennes pussent grandir, se développer et s'instruire, pendant que l'aristocratie perdrait son pouvoir.

* * * * *

"Il n'entre, du reste, ni dans mon désir, ni dans mon plan, d'expliquer la forme et le mécanisme de la centralisation qui conviendrait à l'Irlande, et dont je me borne à reconnaître en principe l'utilité passagère pour ce pays; je ne hasarderai, sur ce sujet, qu'une seule idée pratique.

"C'est que, pour organiser en Irlande un gouvernement central puissant, il faudrait de plus en plus resserrer le lien d'union qui attache l'Irlande à l'Angleterre, rapprocher le plus possible Dublin de Londres, et faire de l'Irlande un comté anglais.

* * * * *

"On ne conteste point que l'Irlande ait besoin d'un gouvernement spécial; et s'il y a nécessité de la soumettre à un régime législatif autre que celui de l'Angleterre, il faut bien aussi des agents particuliers pour appliquer des règles différentes d'administration. Mais, ceci étant admis, l'on ne voit pas ce qui aujourd'hui empêcherait de placer le siège du gouvernement irlandais dans la première ville de l'empire britannique.

* * * * *

"La réforme de la vice-royauté et l'abolition des administrations locales d'Irlande ne sont, sans doute, que des changements de forme. Mais ce sont des moyens pratiques indispensables pour exécuter les ré-

tions as every other part rests on a confusion of ideas, and is a false deduction from democratic principles. It is founded on the feeling which has caused half the errors of democracy, that a fraction of a nation has a right to speak with the authority of the whole, and that the right of each portion of the people to make its wishes heard involves the right to have them granted. This delusion has once and again made Paris the ruler of France, and the Parisian mob the master of Paris. The sound principle of democratic government—and England must, under the present state of things, be ruled on democratic principles—is, that all parts of the country must be governed in the way which the whole of the State as represented by the majority thereof deems expedient for each part, and that while every part should be allowed a voice to make known its wants, the decision how these wants are to be met must be given by the whole State, that is (in the particular instance) by the majority of the electors of Great Britain and Ireland. From this principle it does not follow either that every part of the kingdom should have those institutions which that part prefers, (though in so far as this end can be attained its attainment is desirable,) or, still less, that every part of the

formes politiques dont ce pays a besoin. Il faut que, pendant la période de transition où se trouve l'Irlande, ceux qui la gouvernent soient placés absolument en dehors d'elle, de ses mœurs, de ses passions ; il faut que son gouvernement cesse complètement d'être irlandais ; il faut qu'il soit entièrement, non pas anglais, mais remis à des Anglais."—2 De Beaumont, *l'Irlande, Sociale, Politique et Religieuse*, pp. 124–129.

kingdom should have the same institutions as every other part. That this is so everybody in a general way admits. No one supposes that because the people of Leicester abominate vaccination the Vaccination Acts are not to be extended to that borough, or that the wish of the people of Birmingham in favour of free schools is decisive in favour of making education in Birmingham gratuitous. The will of a locality is admitted not to be the expression of the will of the nation. No one, again, fancies that the legal institutions of England ought of necessity to be extended to Scotland, or the law of Scotland to England. In Ireland recent legislation has, and with general approval, established institutions which no one alleges must, because they exist in Ireland, be applied of necessity or as a matter of justice to England. English tenants might in many cases, it is likely enough, think the provisions of the Irish Land Acts a boon, but no one would listen to the argument that simply because under the special circumstances of Ireland special privileges are given to Irish tenants, similar privileges ought to be conferred upon every English tenant farmer. The idea therefore that because English boroughs or counties receive an increased measure of self-government the same measure ought to be extended to Ireland, though it sounds plausible, is neither conformable to democratic principle nor to our habitual practice, grounded as that practice is on considerations of common sense and expediency. The true watchwords which should guide English demo-

crats in their dealings with Ireland, as in truth with every other part of the United Kingdom, are not "equality," "similarity," and "simultaneity," but "unity of government," "equality of political rights," "diversity of institutions." Unless English democrats see this they will commit a double fault: they will not in reality deal with Ireland as with England, for to deal with societies in essentially different conditions in the same manner is in truth to treat them differently; they will not—and this is of even more importance—perform the true function of the democracy, which is to remove by special legislation, mainly in a democratic direction, the peculiar evils which are the result of Ireland's peculiar and calamitous history.

Once realise that Local Self-Government is essentially different from Home Rule, and it becomes patent that the idea of satisfying the wish for Home Rule by increasing the municipal franchises of every township in Ireland is a dangerous delusion. Local Self-Government may be an excellent thing in its way—it is possibly (though I do not say it is) the thing which the inhabitants of Ireland ought to wish for; but it is not the thing which they do wish for, and it has not the qualities which, if Home Rule be really desired by the Irish people, make Home Rule desirable. It does not meet the feeling of nationality; it does not give the popular leaders authority to settle the land question; it does not free the law from its alien aspect. The very reasons which make English reformers favour the extension of Local Self-Government in Ireland

prove that Local Self-Government, whatever its merits, is no substitute for Parliamentary independence. Englishmen recommend Local Self-Government because it does not check the authority of the Imperial Parliament; Home Rulers desire Home Rule because it does check Imperial legislation. Brandy is good, and water is good; but when a neighbour asks for a glass of spirits, it is mockery to tender a glass of water on the ground that both spirits and water are drink. The benevolent person who makes the offer must not wonder if he receives no thanks.

Home Rule does not mean National Independence. This proposition needs no elaboration. Any plan of Home Rule whatever implies that there are spheres of national life in which Ireland is not to act with the freedom of an independent State. Mr. Parnell and his followers accept in principle Mr. Gladstone's proposals, and therefore are willing to accept for Ireland restrictions on her political liberty absolutely inconsistent with the principle of nationality. Under the Gladstonian constitution her foreign policy is to be wholly regulated by a British Parliament in which sit no Irish representatives; she is not to have the right either of raising an army or of endowing a Church; she is in fact to surrender any claim to the rights of a nation in consideration of receiving a certain number of State-rights. In all this there is nothing unreasonable and nothing blameworthy. One part of the United Kingdom is prepared to

National
Independence.

accept new terms of partnership. But this acceptance, though reasonable and fair enough, is quite inconsistent with any claim for national independence. A nation is one thing, a state forming part of a federation is quite another. To ask for the position of a dependent colony like Victoria, or of a province such as Ontario, is to renounce the demand to be a nation. A *bonâ fide* Home Ruler cannot be a *bonâ fide* Nationalist. This point deserves attention, not for the sake of the miserable and ruinous advantage which is obtained by taunting an adversary in controversy with inconsistency till you drive him to improve his logical position by increasing the exactingness of his demands, but because the advocates of Home Rule (honestly enough, no doubt) confuse the matter under discussion by a strange kind of intellectual shuffle. When they wish to minimise the sacrifice to England of establishing a Parliament in Ireland, they bring Home Rule down nearly to the proportions of Local Self-Government; when they wish to maximise—if the word may be allowed—the blessings to Ireland of a separate legislature, they all but identify Home Rule with National Independence. Yet you have no more right to expect from any form of State-rights the new life which sometimes is roused among a people by the spirit and the responsibilities of becoming a nation, than you have to suppose that municipal councils will satisfy the feelings which demand an Irish Parliament.

CHAPTER III.

STRENGTH OF THE HOME RULE MOVEMENT IN ENGLAND.

A DISPASSIONATE observer will easily convince himself that in Great Britain the movement in favour of Home Rule is stronger than is believed by its opponents. Patent facts show that this is so. In 1880 no single English statesman had avowed himself its supporter; not fifty English or Scotch members of Parliament could have been found to vote for an enquiry into the admissibility of Mr. Parnell's policy. It may well be doubted whether at that date ten British constituencies would have returned to Parliament representatives pledged to grant Ireland a separate legislature. Contrast this state of things with the present condition of affairs. England has indeed pronounced decisively against any tampering with the Act of Union, but the leading statesman of the day has avowed himself a Home Ruler; he is supported by eminent colleagues, and by nearly two hundred representatives of British constituencies. Scotland and Wales on the whole favour the policy of separation; and if, as has been roughly computed,

of the electors of the United Kingdom, 1,316,327 have voted in support of the Union, the same computation shows that 1,238,342 are, to say the least, indifferent to its maintenance. These are facts which tell their own tale. The Home Rule movement has waxed strong. What is in England the source of its strength, and what are the arguments in its support relied upon by its English advocates?

Nine persons out of ten will reply that the Home Rule movement in England owes its origin and force to the patronage of Mr. Gladstone. No one who has watched the ebb and flow of popular feeling will underrate that statesman's influence, and few persons, whatever their political bias, will deny that but for Mr. Gladstone's conversion Mr. Parnell's teaching would not at this moment have gained for him as many as fifty disciples among English politicians. It may even be conceded that but for Mr. Gladstone's action no English party would, during his lifetime, have adopted the Parliamentary independence of Ireland as a watchword. But here, as in other instances, there is grave danger of mistaking the occasion for the cause of events, and if Mr. Gladstone's conversion has determined the form and increased the momentum of the Home Rule movement, it would be an error to hold that the prevalence of doctrines unfavourable to the maintenance of the Union between England and Ireland were wholly or even in the main due to his conduct. His conversion itself remains

Sources
of its
strength.

to be accounted for. This would (except to those critics who ascribe the most important acts of public statesmanship to the pettiest forms of private selfishness) remain almost unaccountable unless it were regarded in the light, in which it ought no doubt to be looked upon, of an example of the facility with which a leader guided by keen sympathy with the real or supposed opinions or emotions of the moment follows, while apparently he guides, the phases of public opinion. Candour moreover compels the admission that, if Mr. Gladstone's action has led some politicians to "find salvation"—according to the miserable cant of the day—in the adoption of opinions which cannot be dignified with the name of convictions, many honest men both within and without the sphere of public life have under the countenance of a great name been encouraged to avow publicly sympathies with the demand for Home Rule which have been slowly matured, and have hitherto scarcely been acknowledged even in the convert's own mind. To any one who perceives that the force of a movement opposed to the traditions of English statesmanship must be attributed to some cause beyond the personal influence of a leader, the idea naturally suggests itself that the prevalence of conversions to the policy of Home Rule is due to the power of argument, and that the English people have been brought to see the expediency of conceding a legislature to Ireland by the same methods which induced them to abolish the policy of Protection. This notion does not correspond with

known facts. Till a recent date hardly an argument was addressed to the English public in favour of Home Rule ; no great writer or speaker even aimed at proving to the nation that a reform or innovation which has been rejected again and again as repeal had more to recommend it under a new name. Great changes in our institutions or policy have hitherto been preceded by lengthy, in general by too lengthy, discussion. The doctrines of Free Trade were established by Adam Smith seventy years before the abolition of the Corn Laws, and Protection was not vanquished till Cobden and Bright had, by laborious controversy, exposed its fallacies in every corner of Great Britain. The reasons in favour of Catholic Emancipation were stated in their full force by Burke more than forty years before a Roman Catholic was admitted to Parliament, and the whole case in favour of the Catholics had been argued out in the presence of the nation long before the passing of the Catholic Relief Bill. No movement ever appealed to keener popular sympathies than the movement for the abolition of slavery. Yet the Abolitionists made their case out—proved it, as lawyers say, “up to the very hilt,” before a single slave was released from bondage. The Irish Church (it may be suggested) was abolished off-hand. This apparent exception to the regular course of long argumentative controversy which in England marks all great innovations has misled Home Rulers, yet the exception is only apparent. Long before 1869 the intelligence of England

—one might say of the civilised world—had been convinced by the power of reason that the maintenance in a Roman Catholic country, and at the expense of a Roman Catholic population, of a Protestant ecclesiastical establishment was an indefensible anomaly. The walls fell at the first blast which sounded attack, because the foundations had been argumentatively sapped and undermined for more than a generation. With the cause of Home Rule it is far otherwise. Its sudden progress has been characterised by a singular absence of systematic discussion. No one supposes that its English advocates are deficient in talent or in zeal. Mr. Gladstone, Mr. John Morley, Mr. Bryce—to name no others—are as competent apologists for any opinion they entertain as can well be found. They have been put upon their mettle; they have addressed the nation in Parliament and out of Parliament; they have produced a certain number of reasons, which deserve respectful consideration, in support of their favourite innovation. But no candid critic can feel that these eminent men, and other less distinguished labourers in the same cause, have put forward arguments of strength enough to account for the undoubted conviction of the reasoners. Appeals to trust in the people, to confidence in human nature, to the strength of love as contrasted with the weakness of law, to shame for our past misgovernment of the Irish, to sanguine expectations of terminating a secular feud which has caused wretchedness to Ireland and has

lessened the power of England, would appear in the judgment of orators addressing English electors likely to have much more weight with their audience than any attempt to prove that the establishment of a Parliament at Dublin will be conducive to the benefit of the Empire. Nor is this wonderful. The plain truth is that the strength of the Home Rule movement depends, as far as England is concerned, on a peculiar, though not of necessity a transitory, state of opinion. The arguments of Home Rulers, whatever their worth (and I have not the remotest intention of denying that they have weight), derive at least half their power from their correspondence with dominant sentiments. That this is so is admitted by the now celebrated appeal from the classes to the masses. It is in its nature an appeal from a verdict likely to be pronounced by the understanding or the prejudice of educated men, to the emotions of the uneducated crowd. The appeal may or may not be justifiable. This is not the point for discussion; but the making of such an appeal necessarily implies that the existence of certain widespread feelings is a condition requisite for full appreciation of the reasoning in support of Home Rule. The reasons may be good, but it is faith which gives them convincing power. They derive their cogency from a favouring atmosphere of opinion or feeling. Two features of recent controversy suffice of themselves (if proof were needed) to establish the truth of this assertion. The rhetorical emphasis laid by Home Rulers on the baseness of the arts which carried

the Act of Union is, as an argument in favour of repealing the Act, little else than irrational. The assumed infamy of Pitt does not prove the alleged wisdom of Gladstone; and to urge the repeal of an Act which has stood for nearly a century, because it was carried by corruption, is in the eye of reason as absurd as to question the title of modern French landowners because of the horrors of the Reign of Terror. Even a Legitimist would not now base a moral claim to an estate on the ground that his grandfather was deprived of it through confiscation and murder. But rhetoric is not governed by the laws of logic, and insistence on the corruption or the criminality by which the Act of Union was carried is an effective method of conciliating popular sentiment to the cause of repeal. No notion again has been more widely circulated or put forward on higher authority than that past reforms have been due in the main to the enthusiasm of the masses. But no notion is more directly at variance with the lessons of history. In the eighteenth century the enlightenment of the Whig aristocracy was England's safeguard against the Jacobitism and the bigotry of the crowd. Every effort in favour of religious liberty was till recently the work of an educated minority who opposed popular prejudice. In the last century popular sentiment would have denied all rights to Jews; in 1780 Lord George Gordon was the hero of the people of England, and even more emphatically of the people of Scotland. And Burke was forced to present an elaborate defence to his constituents at Bristol

for taking part in an attempt to mitigate the penal laws against the Roman Catholics. There is every reason to suppose that even in 1829 a *plébiscite*, had one been possible, would have negatived the Catholic Relief Bill. The mitigation again of the Criminal Law was the work of thinkers like Romilly and Bentham. These eminent reformers would have been much surprised to have been told that the uneducated masses were their staunch supporters. One of the greatest improvements ever effected by legislation was the reform in the administration of parochial relief. The new poor law was essentially unpopular; its principles were established by economists; its enactment was due to the Whigs, supported, as it should always be remembered to his credit, by the Duke of Wellington. It may be conjectured from recent legislation that at this very moment an indiscriminate renewal of outdoor relief would command the approval of the agricultural voters. Protection in the form of the corn laws was unpopular in England; this, however, cannot with fairness be put down to the moral or intellectual credit of the multitude. The corn laws were disliked because they enhanced the price of bread. Even as it was, the Chartists used to interrupt the meetings of the Anti-Corn Law League, and it is an idle fancy that the dangers of a protective tariff are in themselves more patent to the electors of England than to the democracy of France or of America. Trades Unionism is in many of its features a form of protectionism. If again we turn to foreign policy,

we must read history with a strangely perverted eye if we hold that the people have in general condemned wars, whether just or unjust. There is hardly to be named a great war in which England has been engaged which has not engaged popular support. In the struggle with the American Colonies the warlike sentiment of the people was undoubtedly opposed to the prudence and justice of a small body of enlightened men, who found their representative in Burke. In England, it is true, no great change of law or of policy can in general be effected until it has in some sort been sanctioned by popular approval. But to attribute every advance, or even most advances, along the path of progress to the masses by whom a step forward is finally sanctioned, is hardly a more patent fallacy than the notion that because every statute is passed with the assent of the Crown, to the Queen may be ascribed the glory of every beneficial Act passed in her name. To maintain, as every man versed in history must maintain, that ignorance must from the necessity of the case be the ally of prejudice, is not to deny to the people their merits or virtues. If ignorance were wisdom as well as bliss, every effort in favour of popular education were folly. No doubt the rich or educated classes are slaves to delusions from which the crowd are free. This concession falls far short of the doctrine that legislative progress is mainly due to the soundness of popular feeling. That this doctrine should in one shape or another have been promulgated, and have formed the basis

of an argument for a complicated change in the constitution, is a sign that the advocates of the innovation or reform feel instinctively that the strength of their case lies in its coincidence with dominant sentiment. Nor is it hard to see what is the condition of sentiment or opinion which favours the doctrine of Home Rule. The matter, however, is of such importance as well to repay careful examination.

For the first time in the course of English history, national policy has passed under the sway, not so much of democratic convictions, but of a far stronger power—democratic sentiment. Every idea which can rightly or wrongly be called popular, commands, even among persons who deem themselves Conservatives, ready assent or superstitious deference. Hence flow (be it at once conceded) some of the best characteristics of the age, such as the detestation of inhumanity; the distrust in violent methods of government; the dislike to anything which savours of indifference to the wishes, or callousness to the wants, of the people. Hence the growth of the conviction that property has at least as many duties as rights, and of the faith inspired, rather by compassion than by reason, that the toiling multitudes can and must be made to share in the prosperity and the luxuries created in great part by their ceaseless labour. From the same source—from the prevalence of the democratic spirit—arise a crowd of dubious not to say ignoble ideas, as that the voice of the majority is the voice of God; that it is a folly, if not a crime, to resist any widespread phase of belief or of passion; that

any body of persons claiming to be united by a sense of nationality possesses an inherent and divine right to be treated as an independent community. Many of these notions are radically inconsistent with one another. The dogma, for example, of the supremacy of the majority, or the conviction that legislation ought to aim at the greatest happiness of the greatest number, each belongs to a different order of ideas from the principle of nationality, and may easily come into conflict with it. This inconsistency does not lessen the influence exerted by the mass of democratic feeling. We may, however, well note that democratic ideas at the present day produce their effect far less by exciting enthusiasm (for they now kindle nothing like the fiery fervour which the doctrines of popular sovereignty or of human equality excited a century ago throughout the length and breadth of Europe), than by their singular capacity for dissolving the convictions which oppose the claims of revolutionists. Of this solvent power recent events have given us more than enough examples. One may suffice. The argument that because Irish householders have received votes therefore the majority of the electors of the United Kingdom must concede to the majority of Irish householders anything whatever having reference to Ireland which Irish householders desire, is logically absurd. But (combined, no doubt, with other causes) it convinced the Conservative Government of 1885 that the executive in Ireland was bound to bow to the will of the Irish people, and was relieved from the

obligation of enforcing at all costs the law of the land. Popular sympathies, moreover, blend in the minds of modern Englishmen with feelings of a much less generous and much less respectable order. Dislike of trouble, hatred to the performance of arduous public duties, a growing indifference to ordinary commonplace ideas of law and justice, contempt for the legal rights of individuals whenever these rights clash for a moment with the ease or interest of the public, exert an incalculable influence on the conduct, and in truth upon the convictions, both of Members of Parliament and of electors. It is not too much to say that the favour or acquiescence with which so-called practical politicians are prepared to accept Home Rule is grounded to a far greater extent than any one who respects the character of England likes to confess upon the *naïve* but intense conviction that it is too much to expect from five hundred and more English gentlemen that they should take the trouble of withstanding the continuous pressure exerted by eighty-six Parnellites. Cowardice masks itself under the show of compromise, and men of eminent respectability yield to the terror of being bored concessions which their forefathers would have refused to the threat of armed rebellion. It is unnecessary to explain how this condition of opinion, under which the best and the lowest feelings of human nature are blended in a current of democratic sentiment, predisposes large bodies of Englishmen towards acquiescence in the Home Rule movement. My aim is not so

much to analyse with precision the mode in which the cause of Home Rule is fostered by the moral atmosphere of the day, as to insist upon the all-important consideration that the progress of the Home Rule movement is due rather to the encouragement it derives from prevailing sentiment than to any intellectual conviction on the part of Englishmen that it is dictated by considerations of sound policy.

CHAPTER IV.

ENGLISH ARGUMENTS IN FAVOUR OF HOME RULE.

To lay stress upon the consideration that the Home Rule movement in England derives its force from the condition of public feeling is not, be it remarked, equivalent to showing that the policy of Home Rule is unwise, still less that the policy of Home Rule is unlikely to be adopted by the nation. Masses of human beings must generally, as individuals must often, trust to the guidance of feeling. The difference between the sentiment which ought and the sentiment which ought not to determine national conduct is, that the one admits and the other does not admit of justification on grounds of reason or experience. Reasoning is the test, not the source of wise action. Slavery was abolished, the abuses of the *ancien régime* were destroyed, Italian unity was created under the stress of emotions which carried away thousands who could not have logically defended the impulse which governed their acts. But in these, as in other cases in which humanity has been carried forward along the path of progress by the force of emotion, the enthusiasm of the time could, in so far as it

Argu-
ments by
which
Home
Rule policy
defended.

worked for good, be justified on grounds of reason. Man is (difficult though it often be to believe the fact) a rational being, in so far at least that he is constrained to defend on argumentative grounds courses of action dictated by feeling. From this law of human nature Home Rulers have neither the power nor, in fairness be it added, the wish to escape. Their influence is due to the condition of public sentiment, but they justify their policy by arguments which are the intellectual equivalents for the moral feelings which go to constitute the opinion of the day. Of these arguments, those which require statement and examination can be conveniently summed up under six heads—the argument from foreign experience—the argument from the will of the Irish people—the argument from the lessons of Irish history—the argument from the virtues of self-government—the argument from the necessity for Coercion Acts—the argument from the inconvenience to England of refusing Home Rule to Ireland.

The argument from foreign experience.—Home Rule under one shape or another has been tried in a large number of foreign countries, and has (it is alleged) been found everywhere to solve the problem of combining into one State communities which, like England and Ireland, were not ready to coalesce into one united nation. Each State throughout the American Union, each Canton of Switzerland, has something like sovereign independence. Yet

Argument 1.
Foreign
experience.

the United States are strong and prosperous, and the Swiss Confederacy, which was a land at one time torn by religious animosities, and divided by differences of race, is now a country so completely at harmony with itself that without a regular army it maintains its independence in the face of the armed powers of Europe. Canada or Victoria have more complete liberty of action than any one dreams of claiming for Ireland. Yet Canada and Victoria are loyal, and under the guidance of men who, it may be, were yesterday rebels in Ireland, support the supremacy of the British Parliament and contribute to the splendour of the English Crown. The German Empire contains not only separate States, but separate kingdoms, such as Bavaria, ruled by kings or princes who certainly value highly the independence of their countries and the dignity of their thrones. The despotism of Turkey has not forbidden the local independence of Crete, and self-government has, it is hinted, produced acquiescence in Turkish rule. The autocracy of the Czar is found compatible with Home Rule in Finland, and Finland is the most contented portion of Russia. Norway and Sweden are united in feeling because they are not by law a "united kingdom," and act in harmony just because each country has a different constitution, and each is governed by its own Parliament. Denmark has, with benefit to herself, given local independence to Iceland, and Iceland is content. Austria and Hungary, after centuries of misunderstanding and twenty years of bitter conflict, have

finally composed the feud of ages by a compromise, which gives to the two parts of the Empire the practical blessings of Parliamentary independence, and concedes to Hungary at least the sentimental blessing of acknowledged nationality. The argument, in fact, from foreign experience, professes to be an induction based upon a foundation of instances as large as can support any conclusion of social science. In one land after another the existence of Home Rule, or, to use the curiously inaccurate phraseology of the day, of "autonomy," in one part of the State has been found consistent with the unity of the whole. An experiment which has succeeded in one set of cases ought to succeed in another, and England has no reason to dread a scheme of government which has been tried with success in other portions of the civilized world. Nor does the zealous advocate of Home Rule pause at the conclusion that the measure he recommends may, on the strength of foreign experience, be regarded as a tolerable evil or as a probable cure for a chronic disease. He suggests that it is a good in itself, and laments that ignorance led our ancestors to fuse Scotland and England into an United Kingdom, when they might, had they understood the principles of federalism, have left to each country the blessings of State sovereignty.

There is some difficulty in treating with perfect seriousness a line of reasoning which, proceeding from the quarter whence it comes, holds up for our admiration the wisdom or lenity of Turkish rule

Criticism
on argu-
ment.

in Crete, and extols the supreme justice of the system upon which rests the Austro-Hungarian monarchy, which implies that the arts of government may be learnt from the Russian administration of Finland, and omits all reference to the disastrous results of the attempt to endow Poland with some sort of independence, which bases weighty inferences as to the proper relation between England and Ireland on the concession by Denmark to the scanty inhabitants of a desolate island lying 1100 miles from her coast of as much autonomy (if that be the right term) as under the Crown of England has been enjoyed for generations by Jersey or Man, and which suggests lamentations over the splendid triumph of constructive statesmanship embodied in the treaty of Union with Scotland. *De minimis non curat lex* is a maxim of judicial procedure which in spirit applies to proposals for legislation. Arguments from Iceland and the like may be set aside as the ornaments or curiosities of debate, and may be allowed as much weight and no more as would be given to an argument in favour of petty states from the flourishing condition of Monaco, or to reasonings in support of Republicanism from the condition of Andorre. There is something slightly ridiculous in the zeal with which the advocates of Home Rule, using at least as much industry as discrimination, have scraped together every instance they can lay their hands upon of constitutions under which something which can be called Home Rule exists without producing palpable injury to the State; it

would however be unfair to deny some real weight to a kind of induction, which, if not convincing as argument, yet possesses undoubtedly a good deal of rhetorical effectiveness. Nor ought the concession to be refused that if there be any man dull or ill-informed enough to suppose that countries cannot be politically united unless they are subject to a common legislative power, the slightest knowledge of lands outside England is sufficient to make manifest his ignorance. When, however, the instances on which the induction is supposed to be founded are carefully scrutinised, it will be discovered that those examples which deserve attention are far less numerous than might be supposed from a glance over the lists (now well known to the public) of what may be termed successful experiments in Home Rule, and, further, that this limited number of instances does not go far to make out the conclusion in favour of which they are adduced.

At the present stage of my argument I purposely omit all minute examination of the applicability to the relations between England and Ireland, either of the English Colonial system or of federalism as it exists in the United States or in Switzerland. Any scheme of Home Rule must follow in some degree one or other of these models. It will, therefore, be necessary to consider in subsequent chapters how far either of them may admit with advantage of imitation. Two observations, however, may even at this point not be out of place. An English colony, such as Victoria, is a virtually independent

country, attached to England mainly by ties of loyalty or of well-understood interest, but placed at such a distance from the mother country that England could without inconvenience, and would without hesitation, concede to it full national independence when once it was clear that Victoria desired to be a nation. Victoria, in short, is a land which might at any moment be independent, but which desires to retain or strengthen the connection with England. Ireland, on the other hand, is a country lying so near to the English coast that, according to the views of most statesmen, England could not with safety tolerate her independence, and also a country, which, to put the matter in the least exaggerated language, feels the connection with England so burdensome that the greater part of her population desire at least the amount of independence conceded to a self-governing colony. The case of Victoria and the case of Ireland each constitute, so to speak, the antithesis to the other. There is, therefore, at any rate no *à priori* ground for the assumption that the system which successfully regulates the relation of England to Victoria is equally adapted for regulating the relation between England and Ireland. The federalism again, of America or of Switzerland is the consequence of the existence of the States which make up the Federation. The United Kingdom does not consist of States. The world has heard of the difficulty of forming a republic without republicans: this feat would appear to be easy of performance in comparison with the achievement of

erecting federation without the States which form its natural members. In America or in Switzerland federalism has developed because existing States wished to be combined into some kind of national unity. Federalism in England would necessarily mean the breaking up of a nation in order to form a body of States. To the question constantly raised in one form or another, "Why should not the federalism which suits the United States suit England?" the true answer is suggested by the counter-inquiry, "Why should not the constitutionalism of England suit the United States?" The obvious and conclusive reply to both these inquiries is, that the circumstances of the two countries are totally different. There is, in short, no ground in the nature of things to presume that constitutional arrangements, which are well adapted for the condition of America, are well adapted for the totally different condition of the United Kingdom. To say this, be it noted, is not to pre-judge the question reserved for subsequent consideration, whether some kind of federalism may not supply the solution of the problem how to adjust the political connection between England and Ireland. It is no more than noting the often-overlooked fact that the admitted success of federal government in the United States gives no presumption in favour of its suitability for Great Britain and Ireland.

The experience of foreign countries to which Home Rulers confidently appeal resolves itself, if the matter be

carefully sifted, and if the colonial system of England and the federalism of America be left for the moment out of account, into the fact that two powerful continental Empires maintain Imperial unity, and yet (as it is alleged without lessening their strength) contain within their limits States each of which enjoys a large amount of independence. That neither the German Empire nor the Austro-Hungarian monarchy suffers inconvenience from the looseness of the connection between the States which they each contain is one of those assertions more easily made than proved to be true; but supposing its truth to be, for the moment and purely for the sake of argument, admitted, there will still be found considerable difficulty in showing that either German Imperialism or the Dual system of Austria-Hungary contains lessons of practical value for the guidance of English statesmen.

What indeed is the precise inference which one is to draw from the fact that the constitution of the German Empire leaves, for example, to Bavaria a large amount of independence it is not very easy to understand. The whole circumstances of the German Empire are as different from the circumstances of Great Britain as the position of one civilised European country can well be from the situation of another. The salient characteristic of German history is that Germany consists of States which until quite recently have never been politically consolidated into a nation. The United Kingdom has for

nearly a century formed a political unit, and has now for something nearly approaching two centuries been subject in reality if not in name to one sovereign Parliament. The whole scheme of the Empire, with its independent or semi-independent sovereigns, with its kings, princes, and free towns, is something to which there is absolutely nothing to correspond in the present condition or in the historical development of England. The German Empire is the natural though strange growth of a special and strange history. The sober English statesmen who advocate Home Rule assuredly never dreamt any dream so wild as that the Imperial Federalism of Germany could in any way be reproduced in the United Kingdom. But if this be so, it is a little difficult to understand references to the lessons to be drawn from the position of such countries as Bavaria. For the difficulty of applying German precedents to proposed innovations in the English constitution lies far deeper than the unsuitability to England of the forms of German Imperialism. The condition which has given birth to the present German Empire is that in Germany the sentiment of nationality has overridden the political divisions which broke up Germany into almost disconnected and often hostile States. In Germany the popular passion for unity has compelled the formation of a United Empire. This sentiment, and not the cumbersome device of an ill-arranged constitution, prevents Bavaria from using her independence in a manner inconsistent with the unity of

the Empire. The force which tends towards unity is constantly on the increase. The Empire holds in its hands the legal means of diminishing or indeed of destroying the independence of the States, and should the independence of a State ever come into conflict with the unity of the nation State rights will not, we may be sure, win the day. Nor, further, is it any accident that Bismarck whilst tolerating the existence of Parliaments will not tolerate the introduction of Parliamentary government. The acquiescence of Liberals in the evils of personal rule is due to the consciousness that the real authority of the Emperor is necessary for the unity of the Empire. Contrast all this with the condition of things under which Englishmen are adjured to concede a Parliament to Ireland. The leading features of the case, according at any rate to Home Rulers, are that Parliament is too weak to withstand the pressure exercised by eighty-six obstructives, and that Ireland, no less, as we are now at last frankly told, than Scotland and Wales, desires to relax the bonds of national unity. We are advised to dissolve the United Kingdom into a confederacy because Germany, through a clumsy form of confederacy, is growing into a united empire. This counsel confuses the stages of imperfect development with the stage of incipient decay; it ascribes to the childishness of approaching senility the hopes which are proper to the childishness of early youth. The point is worth pressing. The considerations which govern a confederacy as it is developing into a nation are very different from

the considerations applicable to a full grown nation when threatened with dismemberment into a confederacy.

Deák's statesmanship undoubtedly found at any rate a temporary solution of the questions which kept Austria and Hungary at variance in a compromise which bears some analogy to the arrangement, by which Home Rulers propose at once to loosen and to maintain the connection between England and Ireland. In the case of Austria-Hungary, the union which exists is not, on the face of it at least, a step towards unity, but rather the surrender of the endeavour to mould the two parts of the monarchy into a united empire. The Dual system is therefore the instance of the blessings attending Home Rule which is most sedulously thrust upon English attention. Let us see, then, what in outline this system is, and what are the causes which favour its existence.*

German jurisprudence has taxed hard its boundless stores of ingenuity and obscurity in the endeavour to find a proper scientific definition of the nature of the anomalous union which binds together the monarchy of Austria-Hungary. With the inquiry, however, what may be the precise class of constitutions under which we ought to bring a political arrangement which is "singular" in the strictest sense of that word, English inquirers need not

* For the constitution of Austria-Hungary see Ulbrich's *Oesterreich-Ungarn* in Marquardsen's *Handbuch des Oeffentlichen Rechts*; Francis Deák, with preface by M. E. Grant Duff; *Home Rule in Austria-Hungary*, by David King, in the *Nineteenth Century*, January 1886, p. 35.

concern themselves. The broad outlines of the Dual system, invented by the ingenuity of Deák, and accepted under the stress of necessity by the sagacity of the Emperor, may, for our present purpose, be roughly sketched in short, and, it is hoped, in not unintelligible terms.

The Dual system is a permanent alliance rather than a union between the kingdom of Hungary and the countries now represented in the Austrian Imperial Parliament, or (to use convenient though not quite accurate terms) between Austria and Hungary.

The essential features of this alliance or compromise, which is in its nature a treaty far more than an act of legislation, may be thus summed up.

At the head of the whole monarchy stands the Emperor-King. The rules for the succession to the throne indeed secure that the Imperial and the Hungarian Crown shall always devolve upon the same person. The Crowns, however, are distinct, the monarch on whose head they rest governs two distinctly different peoples, bound to him by different ties of allegiance. He has Hungarian subjects and Austrian subjects, but he can claim authority over no man as a subject or citizen of Austria-Hungary. The monarch (and this is a matter of supreme importance) is not only the nominal, but the real link connecting the two halves of his dominions. He is moreover a true ruler. Englishmen hear of a Parliament at Vienna and of a Diet in Hungary, of Austrian ministers and of Hungarian ministers, and they fancy that Francis Joseph is a con-

stitutional king after the type of Queen Victoria of England, or King Humbert of Italy. No idea is more erroneous. He is the actual head of the State; he is the real commander of the army. In the Austrian Empire he exercises a predominant influence on the Government, and observers who look at the past exertions of Imperial prerogative, and who weigh well the immense power of temporary legislation reserved under the Imperial constitution to the Emperor, suspect that in his Austrian dominions, Francis Joseph might if he chose as easily suspend constitutional government, as he did in fact suspend it (though for a most legitimate object) in 1866. In Hungary the parliamentary constitution is a reality, but the King of Hungary's authority is a good deal more than nominal. The transactions between Deák and the Emperor become incomprehensible unless you allow for the influence conferred by Hungarian loyalty upon the King of Hungary.

This real monarch rules the monarchy with the co-operation of what might roughly be called three Parliaments.

The first Parliament is the Hungarian Diet sitting at Pesth, which constitutes the real and true legislature for Hungary, and which, in spite of the powers retained by or conferred upon the local legislature of Croatia, makes laws for the whole domain of the Hungarian Crown. The King of Hungary appoints the Hungarian ministers, who are responsible to the Hungarian Diet, and are kept in office by the Diet's support.

The second Parliament is the Imperial Parliament, or *Reichsrath*, sitting at Vienna, legislating for the territories of the Austrian Empire which do not belong to the Hungarian Crown. The Emperor appoints the Austrian or Imperial Ministry, who are responsible to the Imperial Parliament, and need the support of the *Reichsrath*; it may well however be doubted whether an Austrian Premier does not depend for his authority far more on the will of the Emperor than on the votes of *Reichsrath*; the authority of the *Reichsrath* is, moreover, considerably restricted by the powers conferred upon the subordinate assemblies of the different countries, e.g. Bohemia or the Tyrol, which make up the Empire.*

Englishmen should note that the Hungarian Diet has as such no legislative authority in Austria, and the *Reichsrath* has no legislative authority in Hungary.

The third Parliament consists of the so-called Delegations.

These Delegations are two committees of sixty members each, elected by and from the members of the Hungarian Diet and the Imperial Parliament respectively, but though I have termed them "committees" they are committees which within their sphere have an authority independent of the bodies by whom they are appointed.

The function of the Delegations is to determine the "common affairs" of the monarchy, that is to say a strictly limited number of matters, namely, common finance, common military matters, and foreign affairs. On these

* Ulbrich, pp. 15, 76, 77.

three topics, and on these alone, the Hungarian and the Austrian Delegations are (acting of course with the Emperor) supreme. They determine the common Budget of the whole Austro-Hungarian Empire; they determine as far as legislation is required all questions affecting the Imperial army as a whole; they also determine, as far as their intervention is required, questions of foreign policy. The function in short of the Delegations is to deal with matters, and with those matters only, which affect the Austro-Hungarian State as a united body, and in its relation to foreigners. Hence three Ministers, the Minister of War, the Minister of Finance, and the Minister of Foreign Affairs, who act for the whole monarchy, constitute what is called the Common Ministry, and are appointed by the Emperor-King, and are responsible neither to the Hungarian Parliament nor to the Imperial Parliament, but simply to the Delegations. It is natural for Englishmen to conclude that the Delegations regulate matters, such for example as questions regarding customs, &c., which must affect every portion of the State, and must, if the two divisions of it are to be united at all, be regulated on common principles. But this is not so. The economical relations of the two parts of the Empire are determined by laws identical in substance, passed by the Hungarian and Imperial Parliaments respectively. These laws are enacted from ten years to ten years. It is therefore possible under the present arrangement that in '88 the existing customs union between Austria and Hungary may

come to an end.* The position further of the Delegations is in reality that of two separate committees each representing a separate Parliament. Infinite pains have been taken to place the Hungarian and the Austrian Delegations on exactly equal footing. The Delegations meet alternately at Vienna and at Pesth, they debate in general separately, and come to an agreement through written negotiations; they may have a common meeting. In this case the number of deputies present on each side must be equal, and by a vote of the majority at such common meeting, any question in dispute is finally determined.

The Austro-Hungarian system is therefore briefly this: two separate States, each having a separate administration, a separate Parliament, and separate bodies of subjects or citizens, are each ruled by one and the same monarch; the two portions of the monarchy are linked together, mainly as regards their relation to foreign powers, by an assembly of delegates from each Parliament and by a Ministry which is responsible to the Delegations alone, and which acts in regard to a limited number of matters which are of absolute necessity the common concern of the monarchy. This is the Dual system held up for our imitation. Picture it for a moment as actually existing in what is still the United Kingdom. We should have an English Ministry and an English Parliament at Westminster which had not the least authority in Ireland; we should have an Irish Ministry and an Irish Parliament at

* See Marquardsen, 28-30.

Dublin which had not the least authority in England. Each Parliament would in point say of foreign policy be hampered by the superior authority of a third Parliament consisting of sixty English and sixty Irish members who sat alternately at Westminster and at Dublin to transact or perplex or obstruct the affairs common to the whole Empire. To imagine such an arrangement, to sketch out in one's fancy, for example, how the common budget decreed by the Delegations would be provided for by taxation imposed by the Irish Parliament, is enough to show that the Dual system is absolutely inapplicable to our circumstances. It could not last for a year, and if by any miracle it did last for that time, the whole British Empire would be reduced to confusion or ruin. The advocates of innovation exhibit the most singular mixture of despair and hopefulness. The presence in Parliament of eighty-six Parnellites makes them despair of the British constitution, which has existed for centuries. They hope or expect that three Parliaments, in two of which these very Parnellites, or men like them, would reappear, would harmoniously legislate for England, Ireland, and the British Empire, and this hope is based on the alleged success of that Dual system which has not without difficulty been kept going for not quite twenty years. The alliance of scepticism and credulity, of which we have often heard in the sphere of theology, is a startling phenomenon in the province of politics. The Dual system, however, it will be urged by its admirers, has worked well.

Admit the fact, the success is clearly due to circumstances negative and positive totally absent in the case of England and Ireland. The bodies united by means of the compromise do not, like the United Kingdom, constitute the centre of a world-wide Empire. Hungary has taken up arms against the Austrian Emperor, yet there has never been in strictness a feud between the Hungarians and the other subjects of the Emperor. The compromise or alliance manifestly met the interest of both portions of the monarchy: it restored to Hungary a constitution which for eighteen years or more had been suppressed, but which had never been given up; it secured, or went far to secure, the new constitutional liberties of the Austrian Empire. Hungary could not stand alone, and she knew it. The compromise was in reality a politic alliance between the two leading races among the many races governed by Francis Joseph. The Germans and the Magyars came to terms; the alliance strengthened them each against other foes. But with every political advantage the Dual system, of which the permanence is not as yet at all secure, might have proved as undurable as Grattan's Constitution of 1782 but for one circumstance, to which I have already directed attention. At the head of Austria-Hungary stands not an absolute, but a powerful monarch. The authority of the Emperor is the spring which makes the cumbersome machinery of a complicated constitution keep going. The matter is worth attention. The power of the Emperor William holds together the States of the German Empire; the power of Francis Joseph

keeps alive the Dual system ; where the Crown has a real authority trial may be made of experiments in the way of local independence, which are impossible in a State where, as in England, the true sovereign is an elective assembly.

Foreign experience then affords but a very tottering foundation on which to raise pleas for Home Rule in Ireland. It may no doubt be read by those who are already convinced that Home Rule is desirable in favour of their views. It may confirm a faith based on other grounds, more it cannot do. Fairly looked at, foreign experience tells rather against than for the doctrines of Home Rule. If appealed to at all, it must be taken as a whole. It then shows that Federalism is when flourishing a stage towards, not a stage away from, national unity ; it shows that a strong central power above Parliamentary control is almost a condition to the successful combination in one body of semi-independent States.* It shows that the whole tendency of modern civilization flows towards the creation of great States ; national unity is, so to speak, the watchword of the age ; this is scarcely a reason for breaking up the United Kingdom. The sagacity of Italian statesmanship rejected the plausible scheme of an Italian Federation. If Englishmen are to take lessons from foreigners they need not be ashamed of being instructed by Cavour.†

* This is, in my judgment, true even of such federations as the United States or the Swiss confederacy.

† John Stuart Mill, in his very remarkable pamphlet 'England and Ireland,' gives it as his distinct opinion that neither the Canadian

The argument from the will of the Irish people.—Eighty-six representatives of the Irish people represent the wish of Ireland for Home Rule. We cannot under a Parliamentary system of government go behind the result of an election. It must be taken therefore that Ireland wishes for Home Rule; and since popular government as it exists in England means nothing else than government in accordance with the wishes of the people, the wish of the Irish people for the Parliamentary independence of their country proves their right to an Irish Parliament, and terminates, or ought to terminate, all opposition to Home Rule.

Argument 2.
Will of
Irish
people.

This simple argument, that because three millions of Irishmen, or for that matter three millions of Englishmen, wish for a thing, they are therefore absolutely entitled to have it, is not often put forward in its naked simplicity, but is constantly presented under various rhetorical disguises, such for example as the assertion that Irishmen have a right to manage their own affairs, that Ireland only wants to be left to herself, and the like; and impresses both the imagination and the conscience of the masses. There is a good deal to be said about the truth of the alleged fact on which the argument is based, namely the wish of the Irish people.

Criticism
on argu-
ment.

Confederation nor the Dual system of the Austro-Hungarian monarchy afford models which could be followed in regulating the connection between Great Britain and Ireland. See 'England and Ireland,' pp. 32-37.

It might be worth while to note that the "people" in this case meant only a majority of the electors, whose wish is notoriously opposed to the ardent desire of a respectable minority; and it might be well to suggest that the constitutional pedantry which refuses to "go behind an electoral return," *i.e.*, to see things as they are, is not the same thing as either good sense or statesmanship. But for the present purpose it is better to admit that the majority of the inhabitants of Ireland would, if a fair vote were taken, express their wish for Home Rule, as they might, probably, under similar conditions express their wish for separation. The argument in hand, however, even when its basis is conceded, allows, according to the different meanings which it may bear, of different answers. If taken in its most obvious sense, as asserting the absolute right of a majority among Irish electors to any concession with regard to Ireland which they are pleased to claim, it may be met by another formula of equal cogency or of equal weakness. "The vast majority of the United Kingdom, including by the way a million or more of the inhabitants of Ireland, have expressed their will to maintain the Union. Popular government means government in accordance with the will of the majority, and therefore according to all the principles of popular government the majority of the United Kingdom have a right to maintain the Union. Their wish is decisive, and ought to terminate the whole agitation in favour of Home Rule." To any sensible person who has passed beyond the age of early manhood (for youths may without blame treat politics

as a form of logic) neither of these formulas can present a sound ground from which to defend or impugn legislation which involves the welfare of millions. The contradiction however between two formulas each of which if propounded alone would command the assent of a democratic audience is noteworthy. This contradiction brings into prominence the consideration that the principle that the will of the majority should be sovereign cannot, whether true or false in itself, be invoked to determine a dispute turning upon the enquiry which of two bodies is the body the majority of which has a right to sovereignty. The majority of the citizens of the United States were opposed to Secession, the majority of the citizens of the Southern States were in favour of Secession; the attempt to determine which side had right on its side by an appeal to the "sovereignty of the majority" involved in this case, as it must in every case, a *petitio principii*, for the very question at issue was which of two majorities ought, as regarded the matter in hand, to be considered the majority.

It would however be doing injustice to the argument from the will of the people to dispose of it by dwelling upon the logical inconsistencies inevitably involved in every attempt to determine a question of practical politics by the application to it of *à priori* dogmatism. Formulas such as "the sovereignty of the people" often contain much solid truth hidden under an inaccurate and a too absolute form of expression. The assertion that the wish of the Irish people is decisive as to the form of constitution to be maintained in Ireland covers two genuine and in them-

selves rational convictions. The first is, that a body of human beings who feel themselves, in consequence of their inhabiting a common country, of their sharing a common history and the like, inspired with a feeling of common nationality, have, if not a right, at lowest a strong claim to be governed as a separate nation. This is the doctrine of nationality which, be it noted, though often confused with, is at bottom different from, the dogma of the supremacy of the majority. That the doctrine of nationality is, when reasonably put, conformable with obvious principles of utility may be readily admitted; but it is a doctrine which can only be accepted with considerable qualifications. Its validity was denied both theoretically and practically, and, in the judgment of most English democrats, not to say of most European Liberals, denied justly and righteously by the Northern States of America, when the Southern States claimed the benefit of its application. The argument moreover from the principle of nationality in reference to the present controversy proves too much. If the Irish people are a nation, this may give them a right to independence, but it can never in itself give them a moral claim to dictate the particular terms of union with England. The second conviction which underlies the argument from the will of the people is of far more serious import than any reasoning drawn from even so respectable a formula as the doctrine of nationality. The dogma that the will of the people must be obeyed often expresses the rational belief that under all polities, and especially under the system of popular government, institutions derive

their life, and laws their constraining power, not from the will of the law-giver, or from the strength of the army, but from their correspondence with the permanent wishes and habits of the people. Home Rule, to put this matter in its strongest form, means, it may be said, the application to Ireland of the very principle on which the English constitution rests—that a people must be ruled in accordance with their own permanent ideas of right and of justice, and that unless this be done, law, because it commands no loyalty, ensures no obedience. The whole history of the connection between the two islands which make up the United Kingdom is a warning of the wretchedness, the calamities, the wickedness and the ruin which follow upon the attempt to violate this fundamental principle not only of popular, but of all good and just government. Home Rule may appear to be an innovation. It is in this point of view simply a return to the essential ideas of English constitutionalism, it is an attempt to escape from the false path which has been pursued for centuries, and to return to the broad highway of government in accordance with popular sympathy. At this point, however, the argument from the will of the people merges in the much stronger and more serious train of reasoning derived from the teaching of history.

The argument from Irish history.—Appeals to the lessons of the past are at times in the mouths of Home Rulers, as also of their opponents, a noxious revival of ancient

passions, or (it may be) nothing better than the use of an unreal form of rhetoric; yet a supporter of Home Rule may use the argument from Irish history in a way which is at once legitimate and telling.

On one point alone (it may be urged) all men of whatever party, or of whatever nation, who have seriously studied the annals of Ireland are agreed—the history of the country is a record of incessant failure on the part of the Government, and of incessant misery on the part of the people. On this matter, if on no other, De Beaumont, Froude and Lecky are at one. As to the guilt of the failure or the cause of the misery, men may and do differ; that England, whether from her own fault or from the fault of the Irish people, or from the perversity of circumstances, has failed in Ireland of achieving the elementary results of good government, is as certain as any fact of history or of experience. Every scheme has been tried in turn, and no scheme has succeeded, or has even (it may be suggested) produced its natural effects. Oppression of the Catholics has increased the adherents and strengthened the hold of Catholicism. Protestant supremacy while it lasted did not lead even to Protestant contentment, and the one successful act of resistance to English dominion was effected by a Protestant Parliament supported by an army of volunteers led by a body of Protestant officers. The independence gained by a Protestant Parliament led, after eighteen years, to a rebellion so reckless and savage, that it caused if it did not justify the destruction of

the Parliament, and the carrying of the Union. The Act of Union did not lead to national unity, and a measure which appeared on the face of it (though the appearance it must be admitted was delusive) to be a copy of the law which turned England and Scotland into a common country inspired by common patriotism, produced conspiracy and agitation, and has at last placed England and Ireland further apart morally than they stood at the beginning of the century. The Treaty of Union, it was supposed, missed its mark because it was not combined with Catholic Emancipation. The Catholics were emancipated, but emancipation instead of producing loyalty brought forth the cry for repeal. The repeal movement ended in failure, but its death gave birth to the attempted rebellion of 1848. Suppressed rebellion begot Fenianism, to be followed in its turn by the agitation for Home Rule. The movement relies, it is said, and there is truth in the assertion, on constitutional methods for obtaining redress. But constitutional methods are supplemented by boycotting, by obstruction, by the use of dynamite. A century of reform has given us Mr. Parnell instead of Grattan, and it is more than possible that Mr. Parnell may be succeeded by leaders in whose eyes Mr. Davitt's policy may appear to be tainted with moderation. No doubt in each case the failure of good measures admits, like every calamity either in private or in public life, of explanation, and after the event it is easy to see why, for example, the Poor Law when extended to Ireland did not produce even the good

effects, such as they are, which in England are to be set against its numerous evils; or why an emigration of unparalleled proportions has diminished population without much diminishing poverty; why the disestablishment of the Anglican Church has increased rather than diminished the hostility to England of the Catholic priesthood; or why two Land Acts have not contented Irish farmers. It is easy enough, in short, and this without having recourse to any theory of race, and without attributing to Irishmen either more or less of original sin than falls to the lot of humanity, to see how it is that imperfect statesmanship—and all statesmanship it should be remembered is imperfect—has failed of obtaining good results at all commensurate with its generally good intentions. Failure, however, is none the less failure because its causes admit of analysis. It is no defence to bankruptcy that an insolvent can, when brought before the Court, lucidly explain the errors which resulted in disastrous speculations. The failure of English statesmanship, explain it as you will, has produced the one last and greatest evil which misgovernment can cause. It has created hostility to the law in the minds of the people. The law cannot work in Ireland, because the classes whose opinion in other countries supports the action of the Courts are in Ireland, even when not law-breakers, in full sympathy with law-breakers. This fact, a Home Ruler may add, is for his purpose all the more instructive, if it be granted that the errors of British policy do not arise from injustice or ill-

will to Irishmen. The inference, he insists, to be drawn from the lesson of history is, that it is impossible for the Parliament of the United Kingdom to understand or to provide for Irish needs. The law is hated and cannot be executed in Ireland because, as we are told on high authority, it comes before the Irish people in a foreign garb. The law is detested, in short, not because it is unjust, but because it is English. The reason why judges, soldiers or policemen strive in vain to cope with lawlessness is, that they are in fact trying to enforce not so much the rule of justice as the supremacy of England. The Austrian administration in Lombardy was never deemed to be bad—it was very possibly better than any which the Italian kingdom can supply; the Austrian rule was hated not because the Austrians were bad rulers, but because they were foreigners. In Ireland, as in Lombardy, permanent discontent is caused by the outraged sentiment of nationality. Meet this sentiment, argues the friend of Home Rule, by the concession to Ireland of an independent Parliament. The law which comes from Ireland's own legislature will be obeyed because it is her own law, and will be enforced throughout Ireland by Irish officials supported by the sympathy of the Irish population. Let Ireland manage her own affairs, and England will be freed from a task which she ought never to have taken up because she cannot perform it, and you will lay upon Ireland duties which she can perform but which she has never yet been either allowed or compelled to take up,

Irishmen for the first time will feel the full responsibility, because for the first time they have received the full power, of self-government. The argument, in short, on the Home Rule view stands thus: the miseries of Ireland flow historically from political causes, and are to be met by political changes. At the bottom of Irish disorder lies the sentiment of Irish nationality. The change, therefore, that is needed is such a concession to that sentiment as is involved in giving Ireland an Irish legislature. This is the reform by which the result of curing Irish discontent can be achieved, and it is a reform not incompatible with the interests of Great Britain.

This is (in my judgment) a fair statement of the historical argument relied upon by the advocates of Home Rule, though, of course, it allows of infinite variety as to its form of expression. It is a line of reasoning which rests on premisses many of which (as any candid critic must admit) contain a large amount of truth. It is logically by far the strongest of the Home Rule arguments. It is one, moreover, in which authorities who on other points differ from each other are in agreement. Mr. Parnell asserts with emphasis that Ireland is a "nation," and apparently holds that the passing of a good law by the Parliament of the United Kingdom is less desirable than the existence of an Irish Parliament, even should that Parliament delay good legislation. Mr. Gladstone attributes the inefficacy of laws passed by the

Imperial Parliament to their coming before Irishmen in a "foreign garb," and an author who is not in any way a supporter of the Liberal leader does not apparently on this point disagree with Mr. Gladstone. "If there was a hope that anything which we could give would make the Irish contented and loyal subjects of the British Empire, no sacrifice would be too great for such an object. But there is no such hope. The land tenure is not the real grievance: it is merely the pretext. The real grievance is our presence in Ireland at all. If there was a hope that by buying up the soil and distributing it among the tenantry we could make them, if not loyal, yet orderly and prosperous, even so the experiment would be worth trying; but, again, there is no such hope. The Land Bill of 1870 gave the tenants a proprietary right in their holdings. They have borrowed money on the security of that right at ruinous interest, and the poorest of them are already sinking under their debts to the local banker or tradesman. If we make them proprietors to-morrow, their farms in a few years will be sold or mortgaged. We shall have destroyed one set of landlords to create another who will not be more merciful." *

The only way of meeting the historical argument, containing as it does admitted truth, and supported as it is by high authorities, is to
Criticism.
 survey the broad phenomena of Irish history, and see

* Froude's 'English in Ireland,' vol. 3, pp. 581, 582.

what are the inferences which they warrant.* Whoever wishes to derive instruction from the melancholy history of the kingdom of Ireland must, as has already been intimated, rid himself from the delusions caused in the domain of history by personification. He must dismiss the notion that England and Ireland are persons to be charged with individual and continuous responsibility for the crimes or follies of past ages. He must check the natural but misleading tendency of the human mind to imagine that in national affairs when anything goes wrong you can always, or indeed generally, lay your finger upon some definite assignable wrong-doer, that is, upon some man or some men who can be held responsible for political calamities or errors, as a murderer may be held guilty of murder, or a robber of theft. A calm critic should also reflect on the profound truth of the dictum (attributed by the way to an Irishman) that "history is at best but an old almanack," and, while not entertaining any great hope that antiquarian research can afford much direct guidance as to the proper mode of arranging the future relations between England and Ireland, remember that the most salutary function of the study of the past is to tone down those historical animosities which derive their bitterness from the ignorant habit of trying the actors in bygone scenes by moral laws to which they are not justly amenable. The moral function of an historian

* See especially on this subject 1 De Beaumont, 'L'Irlande,' *Partie Historique*, pp. 15-207.

is to diminish the hatreds which divide nation from nation and class from class ; such as at the present moment do more to prevent real unity between the inhabitants of the two islands making up the United Kingdom than do unjust laws or vicious institutions. To a student who regards with philosophic calmness a topic which has mainly been dealt with by politicians or agitators, it easily becomes apparent that the crimes or failures of England, no less than the vices or miseries of Ireland, have to a great extent flowed from causes too general to be identified with the intentional wrong-doing either of rulers or of subjects.

One fact thrusts itself upon the attention of any serious student. England and Ireland have from the commencement of their ill-starred connection been countries standing on different levels or at different stages of civilization ; they have moreover been countries impelled by the force of circumstances towards a different development. Englishmen forget, or (more strictly speaking) have never understood, how exceptional has been the path pursued by English civilization ; they do not realise to themselves that the gradual transformation of an aristocratic and feudal society into a modern industrial State which still retains the forms, and in many points of view the spirit of feudalism is a process which, although owing to the most special circumstances it has been accomplished with success in England, has hardly a parallel in any other European country. Ireland on the other hand has,

despite the deviations from her natural course caused by her connection with a powerful nation, tended to follow the lines of progress pursued by continental countries, and notably by France. A foreign critic like De Beaumont finds it far easier than could any Englishman to enter into the condition of Ireland, and this not only because he is as a foreigner delivered from the animosities or partialities which must in one way or another warp every English judgment, but mainly because the phenomena which puzzle an Englishman, as for example the passion of Irish peasants for the possession of land, are from his own experience familiar and appear natural to a Frenchman. What to the mind of a foreign observer needs explanation is the social condition of England rather than of Ireland. He at any rate can see at a glance that the relation between the two countries has planted and maintained in Ireland an aristocracy, aristocratic institutions, and above all an aristocratic land law, foreign to the traditions and opposed to the interests of the mass of the people. Let an observer for a moment take up the point of view natural to a continental critic, and admit, in the language of De Beaumont, that the primary radical and permanent cause of Irish misery has been the maintenance in Ireland by England of a "bad aristocracy,"* or, to put

* "On ne saurait considérer attentivement l'Irlande, étudier son histoire et ses révolutions, observer ses mœurs et analyser ses lois, sans reconnaître que ses malheurs, auxquels ont concouru tant d'accidents funestes, ont eu et ont encore de nos jours, pour cause principale, une

the same thing more generally, and it may be more fairly that the vice of the connection between the two countries has consisted in its being a relation of peoples standing at different stages of civilization and tending towards different courses of development. Here you find the original source of a thousand ills, and hence especially have originated four potent causes of the condition of things which now tries the patience and overtaxes the resources of English statesmanship.

First,—The English constitution has both from its form and from its spirit caused in past times, and even at the present day causes as much evil to Ireland as it has conferred, or does confer, benefit upon England.*

The assailants of popular government point to the misrule of Ireland as a proof that the Parliamentary system is radically vicious. They do not prove their

cause *première*, radicale, permanente; et qui domine toutes les autres; cette cause, c'est une mauvaise *aristocratie*." 1 De Beaumont, 'L'Irlande,' deuxième partie, p. 228. The only objection which may be fairly taken to De Beaumont's language, though not to his essential meaning, is, that the words he uses occasionally suggest the idea that he attributes some special vice of nature, so to speak, to the landed classes in Ireland; whilst there is, of course, no reason to suppose that the original Norman invaders of Ireland were a whit worse than the Normans they left behind them in England, or that the Cromwellian settlers did not possess the virtues which distinguished Puritan soldiers. What De Beaumont really means is that the aristocracy, or landed gentry, have been from first to last placed in a false position, which has led to their exhibiting the vices, with few of the virtues, of aristocratic government.

* Compare 1 De Beaumont, 'L'Irlande Sociale,' &c., pp. 253-256.

point, because the calamities of Ireland afford no evidence whatever that England, which has been more prosperous for a greater length of time than any other nation in Europe, has essentially suffered from the power of the English Parliament. What these critics do prove is that a representative assembly is a bad form of government for any nation or class whom it does not represent, and they establish to demonstration that a parliamentary despotism may well be a worse government for a dependency than a royal despotism. This is so for two reasons. The rule of Parliament has meant in England government by parties; and whatever be the merits of party spirit in a free, self-governed country, its calamitous defects, when applied to the administration of a dependency, are patent. Down to 1782 Ireland was avowedly subject to the despotism or sovereignty of the British Parliament, and at every turn the interest of the country was sacrificed to the exigencies of English politics. Between 1782 to 1800 the nominal independence of Ireland placed a check on the power of the English Parliament, yet in substance the English executive, controlled as it was by the Parliament at Westminster, remained the ultimate sovereign of the kingdom of Ireland. If Pitt could have carried the King and the English Parliament with him, he would, in spite of any opposition at Dublin by the adherents of Ascendancy, have emancipated the Catholics, just as, when backed by the King and the English Parliament, he

did, in the face of strenuous opposition in Ireland, pass the Act of Union. And even at the present day the most plausible charge which can be brought against the working of the Act of Union is that Ireland under it fails to obtain the full benefit of the British constitution, and that in spite of her hundred representatives she is not for practical purposes represented at Westminster in the same sense as is Middlesex or Midlothian. A Parliament again is less capable than a King of compensating for the evils of tyranny by the benefit of good administration, and here we come across a matter hardly to be understood by any one who has not with some care compared the action and the spirit of English and of continental administrative systems. It is hardly an exaggeration to assert that even now we have in the United Kingdom nothing like what foreigners mean by an administration. We know nothing of that official hierarchy which on the Continent represents the authority of the State.* Englishmen are accustomed to consider that institutions under which the business of the country is carried on by unconnected local bodies, such as the magistrates in quarter session, or the corporations of boroughs, controlled in the last resort only by the law courts, ought to be the subject of unqualified admiration. Foreign observers might, even as regards England itself, have something to set off against the merits

* See Dicey, 'Law of the Constitution' (Second Edition), pp. 181-210; and compare 1 De Beaumont, 'L'Irlande Sociale,' &c., pp. 253-299.

of a system which is, if the apparent contradiction of terms may be excused, no system at all, and might point out that in continental countries the administration may often be the intelligent guide and protector of the weak and needy. The system complimented by the name of self-government, even if as beneficial for England as Englishmen are inclined without absolute proof to believe, is absolutely unsuitable for a country harassed by religious and social feuds, where the owners of land are not and cannot be the trusted guides of the people. An impartial official is a better ruler than a hostile or distrusted landowner, and any one who bears in mind the benefits conferred by the humanity and justice of Turgot on a single province of France may, without being any friend of despotism, hold that in the last century Ireland suffered greatly from a scheme of government which did not allow of administration such as Turgot's. In some respects the virtues of Englishmen have been singularly unfavourable to their success in conciliating the goodwill of Ireland. It will always remain a paradox that the nation which has built up the British Empire (with vast help, it may be added, from Ireland) has combined extraordinary talent for legislation with a singular incapacity for consolidating subject races or nations into one State. The explanation of the paradox lies in the aristocratic sentiment which has moulded the institutions of England. An aristocracy respects the rights of individuals, but an aristocracy identifies right with privilege,

and is based on the belief in the inequality of men and of classes. Privilege is the keynote of English constitutionalism; the respect for privileges has preserved English freedom, but it has made England slower than any other civilized country to adopt ideas of equality. This love of privilege has vitiated the English administration in Ireland in more ways than one. The whole administration of the country rested avowedly down to 1829, and unavowedly to a later period, on the inequality of Catholics and Protestants, and Protestant supremacy itself meant (except during the short rule of Cromwell)* not Protestant equality, but Anglican privilege. The spirit which divided Ireland into hostile factions prevented Englishmen who dwelt in England from treating as equals Englishmen who settled in Ulster. When the Volunteers claimed Irish independence, and the American colonists renounced connection with the mother country, similar effects were produced by the same cause. In each case English colonists revolted against England's sovereignty, because it meant the privilege of Englishmen

* Cromwell's reputation as a statesman suffers even more than that of most great men from the indiscriminating eulogy of admirers. The merit of his Irish policy was not his severity to Catholics, but his equity to Protestants. If he did not acknowledge the equality of man, he at any rate acknowledged what English statesmanship before and after his time refused to admit—the equality of Englishmen, at least when Protestants. His policy handed down to us a legacy of justifiable hatred on the part of Irish Catholics. But it is the fault not of the Protector, but of his successors, that his policy did not ensure to England the loyalty of every Protestant in Ireland.

who dwelt in Great Britain to curtail the rights and hamper the trade of Englishmen who dwelt abroad. For the iniquitous restrictions on the trade of Ireland, which are morally by far the most blameworthy of the wrongs inflicted by England upon Irishmen, were not precisely the acts of deliberate selfishness which they seem to modern critics. The grievance under which Ireland suffered was in character the same as the grievances in respect of trade inflicted on the American colonies. Yet but for the insane attempt to subject the colonists to direct taxation by the English Parliament the War of Independence might have been long deferred. Even the sufferers from a vicious commercial policy did not see its essential iniquity, and it is hardly a subject for wonder that a generation of Englishmen who supposed themselves to gain greatly by controlling or extinguishing the colonial or the Irish trade should not have recognised the full iniquity of a policy which in itself hardly seemed intolerable to many of those colonists who endured the wrong. Still less can we be surprised that Englishmen a century ago, amid a world where the idea of human equality was not as yet recognised, should have failed to perceive what many Englishmen it may be suspected will hardly admit at present, that to most men equality, *i.e.* the treatment of all subjects by their government on similar principles, seems a form of justice, and that the multitude will tolerate restrictions on their freedom far more easily than offences against their sense of equality.

No one will care to deny that French Governments have at all periods been far more despotic than the Government of England ; but few persons who have given the matter a thought can deny that France has shown a power quite unknown to Englishmen of attaching to herself by affection countries which she has annexed by force. Strasburg was stolen from Germany, yet Strasburg soon became French in heart. Belgium and the Rhine Provinces would gladly have remained parts of the Napoleonic Empire. Savoy annexed in 1859 showed no disposition to separate from France in 1870. The explanation of these facts is not far to seek. When France annexes a country she may govern it well or ill, but she governs it on the same principles as the rest of the French dominions. Englishmen found it for centuries impossible to govern Englishmen in Ireland or Englishmen in Massachusetts exactly as if they were Englishmen in Middlesex. It is not uninteresting that every French Assembly since the Revolution has included Deputies from the colonies ; no colony has ever sent a member to the Parliament at Westminster.

Secondly,—The English connection has inevitably, and therefore without blame to anyone, brought upon Ireland the evils involved in the artificial suppression of revolution.

The crises called revolutions are the ultimate and desperate cures for the fundamental disorganisation of society. The issue of a revolutionary struggle shows what is the true sovereign power in the revolutionised

state. So strong is the interest of mankind, at least in any European country, in favour of some sort of settled rule, that civil disturbance will, if left to itself, in general end in the supremacy of some power which by securing the safety, at last gains the attachment, of the people. The Reign of Terror begets the Empire; even wars of religion at last produce peace, albeit peace may be nothing better than the iron uniformity of despotism. Could Ireland have been left for any lengthened period to herself, some form of rule adapted to the needs of the country would in all probability have been established. Whether Protestants or Catholics would have been the predominant element in the State; whether the landlords would have held their own, or whether the English system of tenure would long ago have made way for one more in conformity with native traditions; whether hostile classes and races would at last have established some *modus vivendi* favourable to individual freedom, or whether despotism under some of its various forms would have been sanctioned by the acquiescence of its subjects, are matters of uncertain speculation. A conclusion which, though speculative, is far less uncertain is, that Ireland if left absolutely to herself would have arrived like every other country at some lasting settlement of her difficulties. To the establishment of such a reign of order the British connection has been fatal; revolution has been suppressed at the price of permanent disorganisation, the descendants of colonists and natives have not coalesced into a nation,

and a country which has never known independence has never borne the burdens or learnt the lessons of national responsibility. Disastrous as this result has been, it is impossible to say who it was that at any given point was to blame for it. Had France been attached to and dependent upon a powerful neighbour, this sovereign state must have checked the cruelties and the injustice of the Reign of Terror. But the forcible extinction of Jacobinism by an external power would, we can hardly doubt, have arrested the progress and been fatal to the prosperity of France. Ireland, in short, which under English rule has lacked good administration, has by the same rule been inevitably prevented from attempting the cure of deeply-rooted evils by the violent though occasionally successful remedy of revolution.

Thirdly,—From the original flaw in the connection between the two countries has resulted, almost as it were of necessity, the religious oppression, which, recorded as it has been in the penal laws, has become the opprobrium of English rule in Ireland.

The monstrosity of imposing Anglican Protestantism upon a people who had not reached the stage of development which is essential for even the understanding of Protestant dogma, and who if left to themselves would have adhered to Catholicism, conceals from us the strength of the pleas to be urged in excuse of a policy which to critics of the nineteenth century seems at least as absurd as it was iniquitous. Till towards the close of the seven-

teenth century all the best and wisest men of the most civilised nations in Europe believed that the religion of a country was the concern of the Government, and that a king who neglected to enforce the "truth"—that is, his own theological beliefs—failed in his obligations to his subjects and incurred the displeasure of Heaven. From this point of view the policy of the Tudors must appear to us as natural as to themselves it appeared wise and praiseworthy. That the people of England should have been ripe for Protestantism at a time when the people of Ireland had hardly risen to the level of Roman Catholicism was to each country a grievous misfortune. That English Protestants of the sixteenth and seventeenth centuries should in common with the whole Christian world have believed that the toleration of religious error was a sin, and should have acted on the belief, was a cause of immense calamities. But inevitable ignorance is not the same thing as wickedness.*

Fourthly,—To the same source as religious persecution is due the whole crop of difficulties connected with the tenure of land.

When James I. determined that the old Brehon law was to be abolished, and an appeal to the law of England to be brought within the reach of every Irishman, he and

* The penal laws against the Catholics in England were as severe as those in Ireland. Their practical effect and working was however very different in the two countries. See 1 Lecky, 'History of England,' pp. 268-310.

his ministers meant to introduce a beneficial reform. They hoped that out of the old tribal customs a regular system of landowning according to the English tenure would be developed. In forcing on this change, English statesmen felt convinced not only that they were reformers, but that they were promoters of justice. To a generation trained under the teaching of lawyers like Coke, and accustomed to regard the tenure which prevailed in England as good in itself, it must have appeared that to pass from the irregular dominion of uncertain customs to the rule of clear, definite law, was little less than a transition from anarchy and injustice to a condition of order and equity. They acted in precisely the spirit of their descendants, who are absolutely assured that the extension of English maxims of government throughout India must be a blessing to the population of the country, and shape their Egyptian policy upon their unwavering faith in the benefits which European control must of necessity confer on Egyptian fellahs. If, however, it is probable that King James meant well to his Irish subjects, it is absolutely certain that his policy worked gross wrong. His scheme only provided for the more powerful members of the tribes, and took no account of the inferior members, each of whom in their degree had an undeniable if somewhat indefinite interest in the tribal land. Sir John Davis, who carried out the plan, seems to have thought that he had gone quite far enough in erecting the sub-chiefs into freeholders. It never occurred to him

that the humblest member of the tribe should, if strict justice were done, have received his allotment out of the common territory ; and the result of his settlement accordingly was that the tribal land was cut up into a number of large freehold estates which were given to the most important personages among the native Irish, and the bulk of the people were reduced to the condition of tenants at will.* An intended reform produced injustice, litigation, misery, and discontent. The case is noticeable, for it is a type of a thousand subsequent English attempts to reform and improve Ireland. The rulers of the country were influenced by ideas different from those of their subjects. Ignorance and want of sympathy produced all the evils of cruelty and malignity.

Bad administration, religious persecution, above all a thoroughly vicious system of land tenure, accompanied by such sweeping confiscations as to make it at any rate a plausible assertion that all the land in Ireland has during the course of Irish history been confiscated at least thrice over,† are admittedly some of the causes, if they do not constitute the whole cause, of the one immediate difficulty which perplexes the policy of England. This is nothing else than the admitted disaffection to the law of the land prevailing among large numbers of the Irish people. The

* See Walpole, 'Short History of the Kingdom of Ireland,' p. 176.

† See a speech of Lord Clare made in defence of the Bill for Establishing the Union with England, and republished by the Irish Loyal and Patriotic Union.

existence of this disaffection, whatever be the inference to be drawn from it, is undeniable. A series of so-called Coercion Acts passed both before and since the Act of Union give undeniable evidence, if evidence were wanted, of the ceaseless, and as it would appear almost irrepressible, resistance in Ireland offered by the people to the enforcement of the law. I have not the remotest inclination to underrate the lasting and formidable character of this opposition between opinion and law, nor can any jurist who wishes to deal seriously with a serious and infinitely painful topic question for a moment that the ultimate strength of law lies in the sympathy, or at lowest the acquiescence, of the mass of the population. Judges, constables and troops become almost powerless when the conscience of the people permanently opposes the execution of the law. Severity produces either no effect or bad effects, executed criminals are regarded as heroes or martyrs, and jurymen or witnesses meet with the execration, and often with the fate, of criminals. On such a point it is best to take the judgment of a foreigner unaffected by prejudices or passions, from which no Englishman or Irishman has a right to suppose himself free :

“Quand vous en êtes arrivés à ce point, croyez bien que dans cette voie de rigueurs tous vos efforts pour rétablir l'ordre et la paix seront inutiles. En vain, pour réprimer des crimes atroces, vous appellerez à votre aide toutes les sévérités du code de Dracon ; en vain vous ferez des lois cruelles pour arrêter le cours de révoltantes cruautés ; vaine-

*ment vous frapperez de mort le moindre délit se rattachant à ces grands crimes; vainement, dans l'effroi de votre impuissance, vous suspendrez le cours des lois ordinaires, proclamerez des comtés entiers en état de suspicion légale, violerez le principe de la liberté individuelle, créerez des cours martiales, des commissions extraordinaires, et pour produire de salutaires impressions de terreur, multiplierez à l'excès les exécutions capitales.**

* 1 De Beaumont, 'L'Irlande Sociale,' p. 251. It is of primary consequence that Englishmen should realise the undoubted fact, that agrarian conspiracies and agrarian outrages, such as those which baffle the English Government in Ireland, are known to foreign countries. For centuries the question of tenant-right, in a form very like that in which it arises in Ireland, has been known in the parts of France near Saint-Quentin under the name of the *droit de marché*. In France, as in Ireland, tenants have claimed a right unknown to the law, and have enforced the right by outrage, by boycotting, by murder. The *Dépointeur* is the land grabber, and is treated by French peasants precisely as the Irish land grabber is treated by Irish peasants. See Calonne, 'La Vie Agricole, sous l'Ancien Régime,' pp. 66-69. Precisely the same phenomena have appeared in parts of Belgium, where for centuries there has been, in respect of land, the conflict to which we are accustomed in Ireland, between the law of the Courts and the law of the people. "From the commencement of the year 1836 to the end of 1842 there had been" [in consequence of this conflict] "forty-three acts of incendiarism, eleven assassinations, and seven agrarian outrages entailing capital punishment," all within a limited part of Belgium. See Parliamentary Reports on Tenure of Land in Countries of Europe, 1869, p. 118-123. In Belgium decisive measures of punishment at last put an end to agrarian outrages. What should be specially noted is that in France and Belgium crimes in character exactly resembling the agrarian outrages which take place in Ireland had, it is admitted, no connection whatever with national, or even it would seem with general political feeling.

No advocate of Home Rule can find a clearer statement of the condition of things with which on his view the Imperial Parliament is morally incompetent to deal than in these words of De Beaumont's ; but before we hastily draw any inference from an undoubted fact, let us examine into the exact nature of the fact. The opposition of Irish opinion to the law of the land is undoubted, but the opposition is not now, and if we appeal (as under the present argument we are appealing) to the teaching of history never has been general opposition to law, or even general opposition to English law. The statistics of ordinary crime are (it is said) no higher in Ireland than in other parts of the United Kingdom. A pickpocket or a burglar is as easily convicted in Ireland as elsewhere ; the persons who lamentably enough are either left unpunished, or if punished may count on popular sympathy, are criminals whose offences, atrocious and cruel as they constantly are, are connected in popular opinion with political, and at bottom, it must be added, with agrarian questions. For more than a century there has existed an hereditary conspiracy against the rights of the landowners. The White Boys of 1760, the Steel Boys of 1772, the Right Boys of 1785, the Rockites of a few years later, the Thrashers of 1806, the White Boys who re-appear in 1811, 1815, 1820, the Terralts of 1831, the White Feet of 1833, the Black Feet of 1837 ; * later Ribbon men under different names, the Boycotters or the assassins who have added a terrible sanction to the

* See 1 De Beaumont, 'L'Irlande Sociale,' &c., p. 251.

commands of the Land League or of the National League, have each and all been, in most cases avowedly and in every case in fact, the vindicators or asserters of the just or unjust popular aversion to the rights of landlords given by the law and enforced by the courts of the land. It would be folly to assert that all popular opposition to the law in Ireland had been connected with agrarian questions. But if we look either to the experience of past generations, or to the transactions passing before our eyes, we can hardly be mistaken in holding that the main causes of disaffection have been either questions connected with religion, or rather with the position of Roman Catholics, or disputes connected with the possession of land.

The feeling of nationality has played a very subordinate part in fomenting or keeping alive Irish discontent. The Repeal agitation, in spite of O'Connell's legitimate influence, collapsed. No one can read Sir Gavan Duffy's most interesting account of the Young Ireland movement without perceiving that just because it was strictly a nationalist movement it took very little hold upon the people. The Home Rule movement never showed great strength till it became avowedly a Land League, of which the ultimate result should be, by whatever means, to make the tenants of Ireland owners of their land. To this add that in the judgment of foreign critics, and of thinkers like Mill, the popular protest against the maintenance in Ireland of a tenure combining the evils both of large estates and of minute subdivision of farms is founded upon justice. De

Beaumont at any rate teaches that to transform Irish tenants into peasant proprietors would be the salvation of the country :—

“Plus on considère l’Irlande, ses besoins et ses difficultés de toutes sortes, et plus on est porté à penser que ce changement dans l’état de sa population agricole serait le vrai remède à ses maux. . . .

*“J’aurais mille autres raisons pour appuyer cette opinion ; je m’arrête cependant. Un lecteur anglais trouvera mes arguments incomplets. Tout autre qu’un Anglais les jugera peut-être surabondants.”**

This opinion may be well-founded or ill-founded ; but no wise statesman will reject it without the maturest consideration.

History, then, if fairly interrogated, gives this result : Historical causes have generated in Ireland a condition of opinion which in all matters regarding the land impedes that enforcement of law which is the primary duty of every civilized government.

From this fact Home Rulers draw the inference that the law is hated because it is foreign, and that England should surrender to Irishmen the effort to enforce legal rights, since this duty is one which can be performed by a native and cannot be performed by any English or foreign authority.

This conclusion is clearly not supported by the premisses.

* 2 De Beaumont, ‘L’Irlande Sociale, Politique et Religieuse.’ Septième édition, pp. 135 and 137.

If the source of popular discontent be agrarian, then the right course is to amend the land laws while improving the administrative system, and enforcing justice between man and man.

A Home Ruler may, however, if hard driven, say that my interpretation of history is erroneous, and that a hatred to English law, and to all things English, and not a special dislike to the land law, is the sentiment which prevails over every other feeling of the Irish people. It is difficult to me to see how this view can be seriously maintained. Let us grant however for a moment that Home Rulers are right, and that millions of Irishmen are inspired with the passion of nationality. Even on this supposition the Home Rule doctrine stands in a bad way. If the demand of the Irish people be like that of the Italian people—a demand for recognised nationality—then the demand must be satisfied, if at all, not by Home Rule, but by independence. The most eminent among English Home Rulers believes that the law is hated in Ireland because it comes before the Irish people in a foreign garb. Mr. Froude in substance agrees in this matter with Mr. Gladstone, since he holds that “the real grievance is our presence in Ireland at all.” But the eminent statesman and the distinguished historian draw a different inference from the same premisses. Mr. Gladstone infers that Ireland can be satisfied by semi-independence. Mr. Froude infers that if we are to meet Irish wishes we must let Ireland be free. Mr. Froude’s logic will be to most persons far more in-

telligible than the logic of the Liberal leader. Here, at any rate, we come to the true issue suggested by the phenomena of Irish history. Is Irish discontent due in the main to agrarian or to political causes? On the answer to this enquiry depends, as far as the argument we have in hand goes, the line of right policy in Ireland. But neither answer favours the contention of Home Rulers.*

The argument from Irish history gives rise to, or, more properly speaking, contains in itself two further distinct lines of reasoning in favour of Home Rule, each of which supplements the other. The first of these aims at showing that to leave Ireland to herself is the only method by which to restore order throughout the country: this I have termed "the argument from the good effects of self-government." The other deduces from the necessity for Coercion Acts the conclusion that England cannot maintain order in Ireland: this I have termed "the argument from the necessity for Coercion Acts." These two lines of reasoning are simply an amplification of points suggested by the Home Rule argument from Irish history, and are of necessity there-

* A Home Ruler may in this matter take up one position which is consistent. He may say that England can allow to be carried out through the agency of an Irish Parliament a policy which no English Parliament could itself adopt. To put the matter plainly, an English Parliament which cannot for very shame rob Irish landlords of their property may, it is suggested, create an Irish Parliament with authority to rob them. This position is consistent, but it is disgraceful. To ascribe it to a fair opponent would be gross controversial unfairness.

fore open to the same criticisms to which that argument is obnoxious. They have, however, each a certain value of their own, and have made an impression on the English public: they can each also be met by more or less special replies. The argument, therefore, from the good effects of self-government and the argument from the necessity for Coercion Acts each deserve separate statement and consideration.

The argument from the virtues of self-government.—Self-

4. Argu- dependence is the source of self-reliance and of
ment from self-help. Leave Ireland to herself, and Ireland
self-go-
vernment. will (it is argued) develop the sense of respon-
sibility and the power of self-government. Mr. Parnell
or Mr. Davitt as Irish Prime Minister will be able to
perform with ease feats beyond the reach of any English
Cabinets. He will dare to be strong because he knows he
is popular: he will punish conspirators with a severity
unknown to modern English governments; he will feel
that anarchy is the bane of his country, and he will not
tolerate disorder. Boycotters, Moonlighters, Dynamiters
or Assassins will find that they are called upon to meet a
force of which they have had before no experience. They
will discover that they are engaged in a contest with the
will of the people, and deprived, as they will be, of the
moral sympathy which has hitherto given them comfort
and encouragement, will yield obedience to a law which
is the expression of the national will. Self-government

in Ireland means strong government, and strong government is the one cure for Irish misery.

This train of reflection has, unless I am mistaken, convinced many English Radicals that the installation of an Irish Ministry at Dublin will be the dissolution of every secret society throughout Ireland, and thus gained over to the cause of Home Rule men who detest anarchy even more than they love liberty.

This belief in the virtues of self-government is confirmed by the teaching of American critics, who hold that the recent experience of the United States presents a clue by which Englishmen may find a path out of the labyrinth of their present perplexities. Transactions known to every citizen of the States show conclusively that the hatred of law which in Ireland fills Englishmen with amazement has arisen among a people who, whatever their faults, cannot be charged with those inherited vices which English opinion freely and gratuitously imputes to Irish nature. In Connecticut, in New York, in Georgia, throughout all the Southern States, open or secret combinations, supported by public opinion and enforcing its decrees by violence and murder, have with success defied the law courts. Social conditions, and not the perversities of Irish character, are seen to be the true cause of phenomena which, if they are now a feature of Irish life, have appeared in countries where not an Irishman was to be found, and where the Irish had no appreciable influence. To this fact, which appears to me not to admit of question,

Americans add the consideration that lawlessness when supported by public opinion has in America been successfully met, not by coercion, but by yielding to public sentiment. Hence they draw the conclusion that the proper mode of terminating the conflict between law and widespread sentiment is to yield to opinion, and, by conceding something of the nature of Home Rule, to turn law-breakers into law-makers. The application of this dogma to Ireland is obvious: the crucial instance by which its truth is supposed to be established is the treatment of the conquered South by the victorious North. From the termination of the War of Secession up to 1876 the fixed policy of the Northern Republicans was to maintain order in the South by the use of Federal troops. This policy began and ended in failure: in 1876 the troops were withdrawn; the endeavour to enforce law by means of the Federal armies was given up—as if by magic, chaos gave place to order. Local self-government has given peace to the United States, why should it not restore concord to the United Kingdom? *

It has been freely admitted in the foregoing pages† that

* A reader who wishes to see the American view put in its best and strongest form should read Mr. E. L. Godkin's article on "American Home Rule," *Nineteenth Century*, June, 1886, p. 793. I entirely disagree with the general conclusion to which the article is intended to lead, but I am anxious to acknowledge the importance of the information and the arguments which it contains.

† See pp. 87–89, *ante*.

the historical connection between England and Ireland has brought upon the weaker country the evils involved in the suppression of internal re-^{Criticism.}volution by external force. This admission contains the main ground for the argument in favour of Home Rule drawn from the good effects of self-government, but is not in reality a sound foundation on which to place the suggested conclusion.

For the argument under consideration, even after the concession that Ireland has suffered from not having been left to herself, is vitiated by more than one flaw.

Home Rule, as it is again and again necessary to point out, is not national independence, nor anything like independence. Home Rule gives Ireland at most semi-independence—that is to say, it leaves Ireland at least half dependent upon England. It is vain to argue that the position of the member of a confederacy or of a colonial dependency will give to Irishmen the sense of independence and responsibility which belongs to a self-governing nation.

Grant, however (though the assumption is a hazardous one), that the creation of an Irish government and an Irish Parliament would of itself give to Ireland, even though she were still in many respects dependent on England, such a new sense of power and of responsibility as would enable her to create for herself a strong executive. This concession is not enough to make out the argument in favour of Home Rule. Laws ought to be not

only strong but just, and Englishmen must consider whether rulers who had come to the head of affairs solely because they represented the strongest among many Irish factions or parties would be able to rule with justice. The "Jacobin Conquest" installed a strong executive in power, but England could not be an accomplice in inaugurating a reign of terror. The connection which under any form of Home Rule would bind together the parts of the present United Kingdom would be, it may be suggested, a guarantee against the supremacy of an Irish Robespierre or Danton. Granted: but if so, Home Rule would restrain an Irish revolution. The strongest, in other words the most reckless leaders, would be prevented from coming to the front. Ireland would not follow her own course, and since she would not be in truth self-governed she would not reap the good fruits of self-government.

Nor, in truth, does the American version of our argument give much help to Home Rulers.

In more than one instance popular sentiment has in the United States defied the law of the land. Nothing can be a better example of such defiance than the anti-rent war which raged in New York between 1839 and 1846.* The struggle exhibited all the recklessness of a no-rent agitation in Ireland, with none of the excuses which can be urged in palliation of outrage by half-starving tenants; it

* See "American Home Rule," *Nineteenth Century*, June, 1886, pp. 793, 803, 804.

produced a "reign of terror which for ten years practically suspended the operations of law and the payment of rent throughout the district" which was the field of the anti-rent movement; it ended in a nominal compromise which was a real victory for the anti-renters. In this instance, be it remarked, no sentiment of nationality or State right came into play. The law was hated, not because it was "foreign," but because it enforced the obligation of an unpopular contract. Landlords, it is now all but admitted, are not entitled to the full rights of citizens. The triumph therefore of the anti-renters at New York may command a certain amount of sympathy. The popular sentiment which in 1833 induced the people of Connecticut to boycott Miss Prudence Crandall cannot be brought under the sanction of any "higher law." Her crime was that she chose, obeying the dictates of her conscience, to open a school for Negro girls in Connecticut. She was subjected to every annoyance and insult which the most reckless boycotter could invent. Legislation itself was turned against her, and the State failed utterly in the duty of protecting one of the most meritorious, and now, one is happy to think, one of the most honoured among the women of America. The Lyman Riots at Boston, as indeed every stage in the noble struggle of the American Abolitionists against popular injustice, tell the same tale, namely, that law in the United States has once and again failed to assert its due supremacy over injustice backed by public approval. This melancholy failure may possibly

support the proposition that England cannot enforce the law in Ireland. It far more conclusively shows that even in countries deeply imbued with the spirit of legality self-government has no necessary tendency to produce just government or just legislation.

Let us, however, examine with care the lessons to be drawn from the treatment of the Southern States of America by the North.

The natural and most obvious moral of modern American history is that the majority of a nation have both the right and power to coerce a minority who claim to break up the unity of the State. The most distinguished English Liberals, such as Bright and Mill, held, and as I conceive on sound grounds of reason and justice, that the Southern States were neither legally nor morally justified in their claim to secede from the Union; but no fair-minded man can deny that a plausible constitutional case could be made out in favour of Secession, nor that the citizens of the Southern confederacy demonstrated their wish and determination to secede by far more cogent evidence than the return of eighty-six Secessionists to Congress. The *primâ facie* arguments which may be alleged in favour of Secession were tenfold stronger—unfounded as I hold them to have been—than the *primâ facie* arguments in favour of Ireland's right to Home Rule. Moreover, in studying the history of the United States, an Englishman is at the present moment more concerned with the results than with the justification of the suppres-

sion of the Southern rebellion. The policy of the North attained its object: the Union was restored, and its existence is now placed beyond the reach of peril. The abolition of slavery took away the source of disagreement between the Northern and Southern States, and the tremendous exhibition of the power of the Republic has finally, it is supposed, destroyed the very idea of Secession. There is certainly nothing in all this which discourages the attempt to maintain the political unity of Great Britain and Ireland. We are told, however, to forget the force employed to suppress Secession, and to recollect only the policy of the Republicans after the close of the Civil War. That policy was a failure as long as it involved the denial to the Southern States of their State autonomy, and became a success from the moment when it recognised to the full the sacredness of State rights. This, or some statement like this, represents the mode in which the annals of the Union must be read if they are to be interpreted in favour of Home Rule. The reading is a strained interpretation of events which are known to every one. The North, once and for all, settled that the matters which lay at the bottom of the Civil War should be settled in the manner which conform to Northern notions of justice and of expediency. The abolition of slavery, and the final disposal of the alleged right to Secession, gave to the North all the requisite securities against attacks on the unity of the Republic. The Republicans, influenced in part by considerations of party,

but partly (it must in fairness be admitted) by the feeling that it was a duty to secure for Negro citizens the full enjoyment of the civil and political rights given them, under the constitutional amendments supported for years the so-called Carpet Bag Governments, that is to say, the rule of Northern adventurers who were kept in office throughout the South by the Negro vote. The Federal Government, in short, up to 1876 gave by its arms authority in the South to the unscrupulosity of Northern scoundrelism supported by the votes of Negro ignorance. Such a policy naturally produced bitter irritation among the Southern Whites. Its reversal as naturally restored to the Whites at once power and contentment. Whether this reversal was as satisfactory to the Blacks is less clear. In any case, it is hard to see how the restoration of the Southern States to their natural place in the Union tells in favour of giving Ireland a position quite inconsistent with the existing constitution of the United Kingdom. The case stands thus: Northern Republicans insisted that every State in the South should submit to the supremacy of the United States on every point which directly or indirectly concerned the national and political unity of the American people. Having secured this submission the Republican party restored to the Southern States the reality as well as the name of State rights; and allowed the same and no more than the same independence to South Carolina as is allowed to New York. No doubt something was sacrificed; this "something" was a matter

which did not greatly concern the citizens of the North. It was the attempt to secure to the Black citizens of the South the political rights given them by the constitution. The sacrifice may have been necessary; many of the wisest Americans hold that it was so. But we may suspect that even amongst those who, as a matter of policy, approve the course pursued by the Federal Government in the South since 1876, qualms are occasionally felt as to some of its results. The able writer who sets American Home Rule before Englishmen as an example for imitation says with the candour which marks his writings: "I do not propose to defend or explain the way in which" the Native Whites "have since then" (1876) kept the Government "in their hands by suppressing or controlling the Negro vote. This is not necessary to my purpose."* It is however necessary for the purpose of weighing the effect of American experience to bear this "suppression" constantly in mind; it has deprived the Negroes of political rights which possibly they had better never have received, and has falsified the result of Presidential elections. When we are told that the South votes solid for a Democratic President, we must remember that in the Southern States the Negro vote is "controlled"; and that in reckoning the number of votes to which a State is entitled in virtue of its population, the Negro voters of the South are counted for as much as the uncontrolled White voters of the North. Whether this state of things

* *Nineteenth Century*, June, 1886, p. 801.

will always be contentedly borne by the Northern States is a matter on which a foreigner can form no opinion. It is a condition of affairs which does not conduce to respect for law, and the satisfaction with which thoughtful Americans regard a policy founded on the tolerance of illegality confirms the belief suggested by other circumstances, that deference to opinion tends in the United States to undermine respect for law; it certainly does not tend to show that self-government has much connection with justice.

The argument, in short, from the good effects of self-government appears, when examined, either to be an argument which tells far more strongly in favour of Separation than of Home Rule, or else to be an argument which shows only that England might gain some immediate advantage from shutting her eyes to injustice committed by an Irish government.

The argument from the necessity for Coercion Acts.—

5. Argument from Coercion Acts.

Coercion Acts are (according to popular apprehension) enactments suspending the operation of the ordinary law, and conflicting therefore with the principles of the English Constitution. Order has been maintained in Ireland since the Union (we are told) mainly by means of Coercion Acts. The English democracy, it is argued, cannot acquiesce any longer in these violations of the Constitution; but since order must somehow be maintained in Ireland, and Coercion Acts

must no longer be passed, the English democracy must surrender the duty of maintaining the law into the hands of the Irish people, who, as is assumed by Home Rulers, can exact obedience to the law of Ireland without the use of exceptional legislation.

A lawyer irritated by the folly of popular declamation is tempted to dismiss all objections to Coercion Acts, together with all arguments founded upon such Criticism. objections, with one peremptory remark—namely, that since a law is merely a rule which men are compelled to obey by the power of the State, and Coercion is but another name for compulsory obedience to the law, to object to Coercion is in reality to object to law itself, or in effect to the existence of political society. The temptation to cut down a popular delusion by some such summary criticism as this is great, but it is a temptation which at all costs must be resisted. Vague ideas, which have obtained general currency, are, in spite of their inaccuracy, the outgrowth for the most part of reasonable feeling. Whoever wishes to meet, and, if need be, dispel the antipathy to Coercion Acts, must try to understand what is the meaning which sensible men attach to the word “Coercion,” what is the conviction represented by the dislike to Coercion Acts, how this dislike may be lessened, and, for the purpose with which these pages are written, how far the disapproval of Coercion Acts provides a reason in favour of Home Rule.

Of all the terms which at the present moment confuse public judgment, none is more vague and misleading than the word "Coercion" when applied to every stringent attempt to enforce in Ireland obedience to the law of the land.

Coercion means and includes two different though closely connected ideas which the laxity of popular thought fails to distinguish.

First.—Coercion means any attempt to enforce a law among people whose moral sympathies are at variance with the law itself. In this sense Coercion is opposed to that enforcement of ordinary law with which we are all familiar. Thus, to punish a Ritualist for not conforming to the judgment of the Privy Council, to enforce vaccination at Leicester, to compel a Quaker to pay tithes, to eject an Irish tenant from the farm he has occupied, to drag him into Court and seize his goods if he does not pay his rent, to punish severely resistance to the Sheriff's officer, or to the bailiff who gives effect to the rights of an Irish landlord, are in popular estimation proceedings which according to the nature of the law put in force are stigmatised as persecution or Coercion. They certainly differ from the compulsion by which common debtors are compelled to pay their debts, or thieves are prevented from picking pockets or breaking into houses. The difference lies in this. Where the enforcement of the law is called "Coercion," not only does the criminal think himself in the right, or at any rate think the law a

wrongful law, but also the society to which he belongs holds that the law-breaker is maintaining a moral right against an immoral law. The anti-vaccinator is deemed a martyr at Leicester, the farmer who will not pay his rent is thought a patriot at Cork. Where the enforcement of the law is not popularly deemed coercion the law-breaker does not suppose himself to be in the right, and still less do his associates think him morally praiseworthy. A thief does not in general hold any theory about the rightness of larceny, and there is no society in the United Kingdom at least which denies the moral validity of the Eighth Commandment.

Secondly.—Coercion means the enforcement of law by arbitrary and exceptional methods which tend to diminish the securities for freedom possessed by ordinary citizens. Thus the suspension of the Habeas Corpus Act, the abolition of trial by jury, the introduction of peculiar rules of evidence to facilitate convictions for a particular class of crimes, a suspension (speaking generally) of what would be called in foreign countries “constitutional guarantees,” in order to secure obedience to particular laws, would be called coercion.*

An enactment, then, which in ordinary language is called a Coercion Act, has one or both of the two following characteristics. It is an Act which either enforces some

* Contrast the Coercion Acts of 1881 and 1882 respectively. For list of Coercion Acts see “Federal Union with Ireland,” by R. B. O’Brian, *Nineteenth Century*, No. 107, p. 35.

rule of law (*e.g.*, the law that tenants must pay their rent, or that trades-unionists must not molest artisans who accept lower wages than the scale prescribed by the union), which does not command the moral assent of the society or people among whom it is enforced, or else constrains obedience to law by some exceptional and arbitrary mode of procedure. Now the general prejudice against an Act which has either or both of these characteristics is within certain limits justifiable on grounds of good sense. Laws derive three-fourths of their force not from the fears of law-breakers, but from the assent of law-keepers; and legislation should, as a rule, correspond with the moral sentiment of the people. The maxim *quid leges sine moribus*, though it should always be balanced by the equally important maxim *quid mores sine legibus*, is one which no legislator dares neglect with impunity, and a law permanently at variance with wide moral feeling needs repeal or modification. It is also true that exceptional and arbitrary legislation is, simply because it is exceptional and arbitrary, open to suspicion. If it be desirable that personal liberty should be protected by the writ of Habeas Corpus, a suspension of the Habeas Corpus Act is on the face of it an evil. If it is not desirable that officers of the army should suddenly and without legal training exercise the power of judges, the establishment of martial law is in itself a great, though it may be a necessary calamity. Legislation which has received the odious name of Coercion has

frequently (though not always) exhibited one or both of the characteristics which render it fairly obnoxious to that designation. The objection, therefore, to Coercion Acts is on the face of it not unreasonable. What are the inferences which the objection supports is, of course, quite a different matter, and shall be considered in its due place.

It is most important, however, to note that the valid opposition to so-called Coercion Acts may and ought to be greatly mitigated by careful adherence to two maxims which are obvious, but are often neglected.

A Coercion Act, in the first place, should be aimed, not at the direct enforcement of rules opposed to popular opinion, but at the punishment of offences which, though they may be indirectly connected with dislike of an unpopular law or with opposition to rights (for instance, of landowners) not sanctioned by popular opinion, are deeds in themselves condemned by the human conscience. Deliberate breaches of contract, insults to women and children, the murder or torture of witnesses who have given truthful evidence in support of a conviction for crime, brutal cruelty to cattle, may be methods of popular vengeance, or the sanctions which enforce an agrarian code; but one may feel certain that the man who breaks his word, who tortures or murders his neighbour or who houghs cattle, knows himself to be not only a criminal, but a sinner, and that the law, which condemns him to punishment, though it may excite temporary

outery, can rely on the ultimate sanction of the popular conscience.

A Coercion Act, in the second place, should as far as possible be neither a temporary nor an exceptional piece of legislation.

An Act which increases the efficiency of the criminal law should, like other statutes, be a permanent enactment. The temporary character of Coercion Acts has needlessly increased their severity, for members of Parliament have justified to themselves carelessness in fixing the limits of powers conferred upon the Executive under the insufficient plea that these powers were intended to last but for a short time. It has also deprived them of moral weight. An Act which is a law in 1881, but will cease to be a law in 1882, has neither the impressiveness nor the certainty which gives dignity to the ordinary law of the land. Coercion Acts, again, should be general—that is, should apply, not to one part, but to the whole, of the United Kingdom. Powers needed by the Government for constant use in Ireland must occasionally be wanted in England, or, if they do not exist there already in Scotland. It were the strangest anomaly for the law to sanction a mode of procedure which convicts a dynamiter in Dublin, and not to give the Government the same means for the conviction of the same criminal for the same offence if he has crossed to Liverpool. The principle forbidding exceptional or extraordinary legislation suggests that Coercion Acts should in the main give new stringency

to the criminal procedure, and should not invade the liberties of ordinary citizens. The object of a Coercion Act is to facilitate the punishment of wrongdoers, not to restrict the liberty of citizens who have not broken the law. This is a point legislators are apt to neglect. The distinction insisted upon will be understood by any one who compares the Act for the Better Protection of Person and Property in Ireland, 44 Vict. c. 4, of 1881, with the Prevention of Crime (Ireland) Act, 1882, 45 & 46 Vict. c. 25. They were each denounced as Coercion Acts: the earlier enactment was in many ways the more lenient of the two; yet in principle the Act of 1881 was thoroughly vicious, whilst in principle the Act of 1882 was, as regards its most effective sections, thoroughly sound. The Act of 1881 in effect gave the Irish executive an unlimited power of arrest: it established in theory despotic government. The Act of 1882 was in principle an Act for increasing the stringency of criminal procedure. The one could not be made permanent, and applied to the whole United Kingdom, without depriving every citizen of security for his personal freedom. The main enactments of the other might extend through the whole of Great Britain and Ireland, and produce only the not undesirable effect of making the whole United Kingdom a less pleasant residence than at present for criminals or conspirators.

An Act which should be permanent, which should apply to the whole United Kingdom, which should deal, not in-

deed exclusively but in the main, with criminal procedure, could hardly contain injudicious, harsh or tyrannical provisions. The passing of one such good Criminal Law Amendment Act would, though its discussion occupied a whole Session, save our representatives in Parliament an infinite waste of time, and would make unnecessary half-a-dozen Coercion Acts for Ireland. To enlarge the power of examining persons suspected of connection with a crime, even though no man is put upon his trial; to get rid of every difficulty in changing the venue; to give the Courts the right under certain circumstances of trying criminals without the intervention of a jury; to organise much more thoroughly than it is organised at present in England the whole system of criminal prosecutions; to enable the executive to prohibit public meetings which might provoke a breach of the peace, would in many cases be an improvement on the criminal law of England itself, and would in several instances be simply an extension to the whole United Kingdom of laws which exist without exciting any disapproval in some one division of it.* Without special experience it would be presumptuous to assert that these or similar changes in criminal procedure would suffice for

* In England the Courts can change the venue for the trial of a criminal. In Scotland the Lord Advocate can always (I am told) bring any case he chooses to trial before the High Court of Justiciary in Edinburgh, and the same thing could be done by the Court on the application of the prisoner. In Scotland, again, any Sheriff or Chief Magistrate of a Burgh could prohibit a meeting, however lawful, which he thought likely to endanger the peace. The provisions of the last Irish Coercion Act, Prevention of Crime (Ireland) Act, 1882, 45 & 46

the enforcement of the law in Ireland during a period of disturbance. That such improvements in procedure would go a good way to make special Coercion Acts unnecessary, is in the highest degree probable. There is, moreover, nothing objectionable or anomalous in increasing as time goes on the stringency of criminal procedure. The law against crimes is the protection of men who are not criminals. Civilisation raises our estimate of the protection which good citizens ought to receive from the State; it also places new means of attack in the hands of cheats and ruffians. An elaborate criminal code is as necessary for a civilised society as are elaborately trained armies and scientific arms both of defence and offence.

No adherence, however, to sound maxims of criminal jurisprudence would, it must be frankly admitted, entirely take away, though it might greatly mitigate, the justifiable distaste for Coercion Acts. The necessity for these Acts points to discord in Ireland between the law of the land and the law of the people; they are the outward and visible sign of internal discontent and disloyalty; they give good ground for supposing that the law or some part of it requires amendment, and to many persons laws which admit the existence of a bad social condition will appear to be themselves odious. But the

Vict. c. 25, s. 16, giving power to a magistrate where an offence had been committed to summon and examine witnesses, even though no person is charged with the offence, formed, I believe, part of the draft criminal code for England.

necessity for amending bad laws or vicious institutions is no reason why just laws, or any law which cannot rightly be repealed, should not be enforced. The fallacies of protection afforded no reason for not punishing smugglers, though the existence of smuggling gave good ground for considering whether the customs law did not require revision. There seems to the thoughtless crowd—whether rich or poor, and all men are thoughtless about most things, and many men about all things—to be a certain inconsistency between reform and coercion; there is something absurd in the policy of “cuffs and kisses.” But the inconsistency or absurdity is only apparent. The necessity for carrying through by legal means an agrarian revolution—and the passing of the Irish Land Act was in effect an admission by the English Parliament, that this necessity exists—is a solid reason for the strict enforcement of justice. Reform tends, as its immediate result, to produce lawlessness. A wise driver holds his reins all the tighter because he is compelled to drive along the brink of a precipice. Whether Coercion Acts, which it must be remembered have been known before now in England, and were known in Ireland during the era of her Parliamentary independence, and which are the sign of the difficulty of enforcing the law, are or are not to be tolerated as a necessary evil, depends on the answer to the inquiry, whether the Government of the United Kingdom can by just administration, and by just legislation, remove the source of Irish opposition to the law? Answer the question affirmatively.

and the outcry against coercion becomes unmeaning; answer the question negatively, and you produce an argument which tells with crushing power in favour not of Home Rule, but of Separation.

The argument from the inconvenience to England.—*

Apologies for Home Rule drawn from foreign experience, from the deference due to the popular will, or from the historical failure of England to govern Ireland with success, have about them when employed by English members of Parliament a touch of unreality; they are reasons meant to satisfy the hearer, but do not convince the speaker. When however we come to the argument for Home Rule drawn from the inconvenience of the present state of things to England generally, and to English members of Parliament in particular, we know at once that we are at any rate dealing with a real tangible serious plea which has (if anything) only too much weight with the person who employs it. There is nothing in the whole relation of England to Ireland about which politicians are so well assured, as that the presence of a body of Parnellites at Westminster is an unutterable nuisance, and works intolerable evil. Of the reality of their conviction we have the strongest proof. The sufferings of Irish tenants, the difficulties or the wrongs of Irish landlords, the evils of coercion, the terror of assassi-

6. The argument from inconvenience.

* See for an admirable statement of this argument, "Alternative Policies in Ireland," in the *Nineteenth Century* for February, 1886.

nation, but slightly ruffled the composure with which English statesmen faced the perplexities of the Irish problem. They first began to think that the demand for Home Rule might have something in it when the refusal to erect a Parliament at Dublin meant the continuance of obstruction in the Parliament at Westminster. The terror of obstruction has to speak the plain truth, done more to effect the *bonâ fide* conversion of English M.P.'s into advocates of Home Rule than any other single influence.

What then is the harm which a body of eighty or ninety Irish members can work in Parliament? This is the answer. They may (it is said) in the first place delay, obstruct, and render impossible the carrying through of important measures; London may go without a municipality; widowers may wait for years without being able to marry their deceased wives' sisters; we may not during this generation get the blessing of a good criminal code, if Mr. Parnell and his followers sit in Parliament prepared to practise all the arts of obstruction. The Irish members, in the second place, perturb and falsify the whole system of party government. The majority of Great Britain wish to be ruled say by Lord Salisbury; the Parnellites do not care whether Lord Salisbury or Mr. Gladstone is Premier, but they do care for making the English executive feeble, and ridiculous. They can, therefore, by the practice of a very little art, seize some opportunity of putting Lord Salisbury in a minority, and turning him out of office.

Mr. Gladstone comes back into what is ironically called power. The same game begins again. The Parnellites coalesce with the Tories, we have a change of Cabinet, and possibly a dissolution. Nor are changes of Ministry the whole of the evil. The high tone of party politics is degraded. English or Scottish members of Parliament are but men; they are liable to be tempted; the Parnellites have the means of offering temptation; and temptation, members of Parliament intimate to us, will in the long run be too great for their virtue. The presence, in short, at Westminster of eighty-six gentlemen who do not respect the dignity or care for the efficiency of Parliament is absolutely fatal to the success of Parliamentary government, and to the character of Parliamentary statesmanship. We must, it is inferred, let the Parnellites have a Parliament of their own in Ireland, or else we shall soon cease to have any Parliament worth keeping in England.

The force of this line of argument, as far as it goes, cannot be denied. The presence in the House of Commons of politicians disloyal to Parliament Criticism. causes immense inconvenience; but to anyone not a member of the House of Commons, it appears singular that men of sense should think the inconveniences of obstruction a sufficient ground for breaking up the Constitution. The whole thing is a question of proportion. The nation suffers a good deal from obstruction, but the suffering is not of a kind to justify revolution. A toothache is a bad

thing, but a severe toothache hardly suggests suicide; and though life might not be worth having, if toothache were to last for years, the thoughts of putting an end to one's existence are removed by the knowledge that an aching tooth can be drawn by a dentist. Now the more obvious evils of obstruction can clearly be removed by changes of procedure. Members of Parliament appear to think that to alter the rules of the House of Commons—to curtail and limit the power of debate—to confer, if necessary, upon the Speaker, or upon the bare majority of members present, authority to bring every debate summarily to a close—is something like overthrowing the monarchy a thing not to be dreamt of by the wildest of innovators. Plain men outside the walls of Parliament can assure our representatives, that the world would bear with infinite calmness the imposition of stringent restrictions on the overflow of Parliamentary eloquence. If even the great debate on Home Rule had been finished say in a week, the outer world would have been well pleased; and measures such as the Government of Ireland Bill happily do not come before Parliament every year. The more subtle evils arising in part at least from the presence of the Irish members must be met by more searching remedies. Parnellite obstruction has revealed rather than caused the weakness of government by Parliament. The experience, not of England only, but of other countries, shows the great difficulty of working our present party system of government in a representative assembly which is divided

into more than two parties. The essential difficulty lies in the immediate dependence of a modern ministry for its existence on every vote of the House of Commons. If you see the difficulty, you can also see various means by which it may be removed. In more than one country, and notably in the United States and in Switzerland—states, be it remarked, in which popular government flourishes—the Executive, though in the long run amenable to the voice of the people, and though in Switzerland actually appointed by the legislature, is not like an English Cabinet, dependent on the fluctuating will of a legislative assembly. If it were necessary to choose between modifications in the relation of the Executive to Parliament and the repeal of the Act of Union, most Englishmen would think that to increase the independence of the executive—a change probably desirable in itself—was a less evil than a disruption of the United Kingdom, not only in itself a gigantic evil, but one which may well lead to others. A modification, however, in the practice would, for the moment at least, save the real principles of Parliamentary government. Were it once understood that a Ministry would not retire from office except in consequence of a direct vote of want of confidence in the House of Commons, the political power of the Parnellite, or of any other minority, would be greatly diminished. Meanwhile, members of Parliament may be reminded that it is on them that the duty lies of removing the obstacles which from time to time impede the working of Parlia-

mentary machinery, and that the existence of temptation to political turpitude is not an admitted excuse for yielding to it. In one way or another a majority of 584 members must, if they choose, be able to make head against the minority of 86. Their failure already excites astonishment; the time is coming when it will excite contempt. The English people, moreover, have the remedy in their own hands. By giving to either of the great parties an absolute majority they can terminate all the inconveniences threatened by Parnellite obstruction. The remedy is in their hands, and recent experience suggests that they will not be slow to use it.

A survey of the arguments in favour of Home Rule suggests the following reflections:

The arguments, taken as a whole, do undoubtedly show that the present state of things is accompanied by considerable evils or inconveniences. They show what no one who has given a thought to the matter ever doubted, that the relation between England and Ireland is unsatisfactory. They are, as far as they go, objections to the maintenance of the Union, but neither the feelings which favour Home Rule, nor the reasons by which they are supported, tell in reality in favour of Home Rule policy. They scarcely tend to show that Home Rule would cure the evils complained of; they certainly do not show, they only assume, that Home Rule in Ireland would not be injurious

to England. They are, in short, arguments in favour of Irish independence; every one of them would be seen in its true character if the Irish demand should take the form of a claim that Ireland should become an independent nation. Meanwhile, even on the Home Rule view, the case stands thus: the present condition of things excites Irish discontent, and involves great evils. We have before us but three courses:—Maintenance of the Union; the concession of Irish independence; the concession of Home Rule to Ireland. The Home Ruler urges that the last is the best course left open to us. To decide whether this be so or not requires a fair examination of the possibilities which each course presents to England.

CHAPTER V.

THE MAINTENANCE OF THE UNION.

EIGHTY-SIX years have elapsed since the conclusion of the Treaty of Union between England and Ireland. The failure of the Union; its nature. The two countries do not yet form an united nation. The Irish people are, if not more wretched (for the whole European world has made progress, and Ireland with it), yet more conscious of wretchedness; and Irish disaffection to England is, if not deeper, more wide-spread than in 1800. An Act meant by its authors to be the source of such prosperity and concord as followed though slowly, upon the Union with Scotland, has not made Ireland rich, has not put an end to Irish lawlessness, has not terminated the feud between Protestants and Catholics, has not raised the position of Irish tenants, has not taken away the causes of Irish discontent, and has therefore not removed Irish disloyalty. This is the indictment which can fairly be brought against the Act of Union. It is, however, of importance to notice that the main charges to which the Act of Union is liable are negative. It has not removed (its foes, say that it has not

mitigated) great evils ; but the mass of ills for which the Union is constantly made chargeable were in existence before the days of Pitt or Cornwallis. Destitution, sectarian animosities, harsh evictions, met by savage outrages, the terror of secret societies, the stern enforcement of law, representing to the people anything but justice, are phenomena of Irish society, which, as they existed before the Irish Volunteers established the Parliamentary independence of their country, and continued to exist in Ireland when subject to no laws but those passed by an Irish Parliament, cannot be attributed to the Act of Union. That enactment introduced a purely political change. It could not, except very indirectly, either increase or remove evils which it did not affect to touch. To two charges its authors are indeed, with more or less of justice, liable ; they committed the intellectual error of supposing that a change or improvement in the form of the Constitution would remove evils due to social and economical causes ; they committed the moral error of thinking that a beneficial enactment might allowably be passed by means which outraged all the best moral feeling of Ireland. Their mistakes are worth notice. England is again told that a Constitutional change is the remedy for Irish misery. Ethical considerations (in this case the moral rights of a loyal minority and the legal rights of Irish landlords) are, it is again intimated, to be held of slight account compared with the benefit to Ireland and to England which is to be expected from an experiment in

Constitution-making. To impartial observers it may appear that the proposed policy of 1886 threatens to reproduce in its essence the errors and the vices of the policy of 1800. Be this as it may, the reflection that the ill results of the Act of Union are mainly negative suggests the conclusion that the good results (if any) of its repeal would probably be negative also, and clears the way for the question with which we are immediately concerned, namely, What are the actual and undoubted evils to England of maintaining a legislative union with Ireland?

The nature and extent of these evils has been considered in criticising the arguments in favour of Home Rule. A bare enumeration of them therefore may here suffice.

The evils
of main-
taining
the Union.

First.—The Union hampers and complicates English policy, and this even independently of the existing agitation for Home Rule. The tenacity of England during the war with America, her triumphant energy during the revolutionary struggle, were due to a unity of feeling on the part, at any rate, of her governing classes, which even under the most favourable circumstances can hardly exist in a Parliament containing, as the Parliament of the United Kingdom always must contain, a large body of Irish Roman Catholics. If it be urged that the presence of Roman

1. Compli-
cation of
English
policy.

Catholics is due to the Catholic Emancipation Act, and not to the Act of Union, the remark is true but irrelevant. No maintainer or assailant of the Union is insane enough to propose the repeal of the Emancipation Act.

Secondly.—The refusal of Home Rule involves a long, tedious, and demoralising contest with opponents who will use, and from their own point of view have a right to use, all the arts of obstruction and of Parliamentary intrigue. The battle of the Constitution must be fought out in Parliament, and if it is to be won, Englishmen may be compelled to forego for a time much useful legislation, to modify the rules of party government, and, it is possible, even the forms of the Constitution.

Thirdly.—If the Union is to be maintained with advantage to any part of the United Kingdom, the people of the United Kingdom must make the most strenuous, firm, and continuous effort, lasting, it may well be, for twenty years or more, to enforce throughout every part of the United Kingdom obedience to the law of the land. This effort can only be justified by the equally strenuous determination (which must involve an infinity of trouble) to give ear to every Irish complaint, and to see that the laws which the Irish people obey are laws of justice, and (what is much the same thing) laws which in the long run the people of Ireland will feel to be just. To carry out this

2. Obstruction.

3. Strict government in Ireland.